



# राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

खण्ड: 54

शिमला, शनिवार, 30 दिसम्बर, 2006/9 पौष, 1928

संख्या : 40

विषय सूची		
भाग-1	वैधानिक नियमों को छोड़कर हिमाचल प्रदेश के राज्यपाल और हिमाचल प्रदेश हाई कोर्ट द्वारा अधिमूचनाएं इत्यादि	1670—1678 तथा 1692—1720
भाग-2	वैधानिक नियमों को छोड़कर विभिन्न विभागों के प्रमुखों और जिला मैजिस्ट्रेटों द्वारा अधिमूचनाएं इत्यादि	1678
भाग-3	अधिनियम, विधेयक और विधेयकों पर प्रवर नामिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश हाई कोर्ट, फौजदारी न्याय कमिशनर तथा कमिशनर-पब्लिक-ट्रस्ट्स द्वारा अधिमूचित आदेश इत्यादि	—
भाग-4	स्थानीय स्वायत्त शासन, म्युनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटिफाइड ग्राम पंचायत एवम् एच.टी.ए. तथा पंचायतों राज विभाग	—
भाग-5	वैयक्तिक अधिमूचनाएं और विज्ञापन	1679—1692
भाग-6	भारतीय राजपत्र इत्यादि में से पुनः प्रकाशन	—
भाग-7	भारतीय निर्वाचन आयोग (Election Commission of India) की वैधानिक अधिमूचनाएं तथा अन्य निर्वाचन सम्बन्धी अधिमूचनाएं	—
अनुसूचक		

30 दिसम्बर, 2006/9 पौष, 1928 को समाप्त होने वाले सप्ताह में निम्नलिखित विनियम 'प्रसाधारण राजपत्र, हिमाचल प्रदेश' में प्रकाशित हुईं:—

विज्ञप्ति की संख्या	विभाग का नाम	विषय
No. Home (Vig.)A(3)-6/ ७६, dated the 22nd December, 2006.	Home-Vigilance Department	Entrusting upon Lokayukta, Himachal Pradesh the additional functions of inquiring into allegations of corruption or criminal misconduct against police personnel.
संख्या: फ० बी० एस०-ए० (३)- १/११, दिनांक ८ दिसम्बर, 2006.	खाद्य, नागरिक आपूर्ति एवं उपभोक्ता मामलों विभाग	हिमाचल प्रदेश खाद्य, नागरिक आपूर्ति एवं उपभोक्ता मामलों विभाग, गैस्टेनर अपरेटर, वर्ग-IV (ग्रामपञ्चित) भर्ती एवं प्रोन्नति नियम, 2006 इसके प्राधिकृत संश्लेषण पाठ सहित।

न्याय-वेधान्त नियमों को छोड़कर हिमाचल प्रदेश के राज्यपाल और हिमाचल प्रदेश हाई कोर्ट द्वारा अधिसूचनाएं द्वारा  
हिमाचल प्रदेश हाई कोर्ट

# NOTIFICATIONS

Shimla, the 29th/31st May, 2006

No. HHC/Admn. 6 (23)/74-XII-11659. Hon'ble the Chief Justice in exercise of the powers vested in him under rule 1.26 of H. P. Financial Rules, 1971, Volume-I, is pleased to declare the Civil Judge (Sr. Divn.) cum-JM, Chamba as Drawing and Disbursing Officer in respect of the Court of Civil Judge (Sr. Divn.) cum-JM, Chamba and also the Controlling Officer for the purpose of T. A. etc. in respect of class-II, III and IV establishments attached to the aforesaid court under Head "2014-Administration of Justice" during the Paternity leave period of Shri Arvind Kumar Civil Judge (Sr. Divn.) cum-JM, Chamba w.e.f. 5-6-2006 to 19-6-2006 with permission to prefix Sunday falling on 4-6-2006 or until he returns from leave.

Shimla, the 1st June, 2006

No. HHC/Admn. 16 (21)-7-II-11813. Hon'ble the Chief Justice in exercise of the powers vested in him u/s 139 (b) of the Code of Civil Procedure, 1908, u/s 297 (b) of the Code of Criminal Procedure, 1973 and Rule 4 (v) of the H. P. Oath Commissioners (Appointment & Control) Rules, 1996 is pleased to appoint Mr. Anjana Mahindroo, Advocate of H. P. High Court, as Oath Commissioner for the High Court for a period of two years with immediate effect, for administering oaths and affirmations on affidavits to the deponents, under the aforesaid Codes and Rules.

By order,

Sd/-  
Registrar General.

Shimla, the 1st June, 2006

No. HHC/GAZ, 14-88 78-1-11788. In exercise of the powers vested under Article 235 of the Constitution of India read with Rule 10 (3) of the Himachal Pradesh Judicial Service Rules, 2004, the probation period of Shri Sushil Kukreja, presently posted as District and Sessions Judge, Kinnaur at Rampur Bushehr, is extended by one year with effect from 18-5-2006 or till the time he clears his departmental examination, whichever is earlier.

Shimla, the 1st June, 2006

No. HHC/GAZ/10-49/89-IV-11770. Consent upon the enactment of the H. P. Judicial Officers (Pay and conditions of service) Act, 2003 and the framing of H. P. Judicial Officers (Pay fixation) Rules, 2003, Mrs. Aparna Sharma, Civil Judge (Sr. Divn.) cum-JM, Nahan, and Mr. Anuja Sood, Civil Judge (Sr. Division) cum-JM, Nahan, are granted the benefit of the 1st Assured Career Progression Scale of Rs. 10750-300-13170 200-49600 with effect from 11-12-2005.

BY ORDER OF THE HON'BLE  
HIGH COURT OF H. P.

Sd/-  
Registrar General

Shimla, the 1st June, 2006

No. HHC/Admn. 16 (34)-89-1-11822. Hon'ble the Chief Justice in exercise of the powers vested in him u/s 139 (b) of the Code of Civil Procedure, 1908, u/s 297 (b) of the Code of Criminal Procedure, 1973 and Rule 4 (v) of the H. P. Oath Commissioners (Appointment & Control) Rules, 1996 is pleased to appoint Shri Pawan

Kumar Sharma and Shri Pankaj Kumar, Advocates, Dalhousie, District Chamba, H. P., as Oath Commissioners at Dalhousie for a period of two years with immediate effect, for administering oaths and affirmations on affidavits to the deponents, under the aforesaid Codes and Rules.

Shimla, the 2nd/3rd June, 2006

No. HHC/GAZ, 14-151/83-1-11888. Hon'ble the Chief Justice is pleased to grant 5 days earned leave w.e.f. 5-6-2006 to 9-6-2006 with permission to prefix Sunday falling on 4-6-2006 and to suffix Second Saturday and Sunday falling on 10th and 11th June, 2006 in favour of Shri K. S. Chandel, Additional District and Sessions Judge (2), Kangra at Dharamshala.

Certified that Shri Chandel is likely to join the same post and at the same station from where he proceeds on leave, after expiry of the above period of leave.

Also certified that Shri Chandel would have continued to hold the post of Additional District and Sessions Judge (2), Dharamshala, but for his proceeding on leave for the above period.

Shimla, the 2nd/3rd June, 2006

No. HHC/GAZ, 14-154/83-II-11899. Hon'ble the Chief Justice is pleased to grant 11 days earned leave w.e.f. 7-6-2006 to 17-6-2006 with permission to suffix Sunday falling on 18-6-2006 in favour of Shri L. Sharma, Presiding Officer, Fast Track Court, Dharamshala (H. P.).

Certified that Shri Sharma is likely to join the same post and at the same station from where he proceeds on leave, after expiry of the above period of leave.

Also certified that Shri Sharma would have continued to hold the post of Presiding Officer, Fast Track Court, Dharamshala, H. P. but for his proceeding on leave for the above period.

Shimla, the 15th July, 2006

No. HHC/Admn. 16 (13) 74-VI-15495. Hon'ble the Chief Justice in exercise of the powers vested in him u/s 139 (b) of the Code of Civil Procedure, 1908, u/s 297 (b) of the Code of Criminal Procedure, 1973 and Rule 4 (v) of the H. P. Oath Commissioners (Appointment & Control) Rules, 1996 is pleased to appoint Ms. Bhawana Verma, Advocate, Shimla, District Shimla as Oath Commissioner at Shimla, H. P. for a period of two years, with immediate effect for administering oaths and affirmations on affidavits to the deponents, under the aforesaid Codes and Rules.

Shimla, the 27th July, 2006

No. HHC/Admn. 6 (23)/74-XII-16626. Hon'ble the Chief Justice in exercise of the powers vested in him under Rule 1.26 of H. P. Financial Rules, 1971, Volume-I, is pleased to declare the District and Sessions Judge Nahan as Drawing and Disbursing Officer in respect of the court of Additional District and Sessions Judge, Nahan and also the Controlling Officer for the purpose of T. A. etc. in respect of class-II, III and IV establishments attached to the aforesaid court under Head "2014-Administration of Justice" during the leave period of Shri A. S. Jaswal, Additional District and Sessions Judge, Nahan w.e.f. 31-7-2006 to 14-8-2006 with permission to prefix Sunday falling on 30-7-2006 and to suffix gazetted holidays falling on 15th and 16th August, 2006 or until he returns from leave.

Shimla, the 27th July, 2006

No. HHC/GAZ/14-135/82-II-16616. Hon'ble the Chief Justice is pleased to grant 15 days earned leave w.e.f. 31-7-2006 to 14-8-2006 with permission to prefix Sunday falling on 30-7-2006 and to suffix gazetted holidays falling on 15th and 16th August, 2006 in favour of Shri A. S. Jaswal, Additional District and Sessions Judge, Nahan, (H. P.).

Certified that Shri Jaswal is likely to join the same post and at the same station from where he proceeds on leave after expiry of the above period of leave.

Also certified that Shri Jaswal would have continued to hold the post of Additional District and Sessions Judge, Nahan but for his proceeding on leave for the above period.

Shimla, the 27/28th July, 2006

No. HHC/Admn. 6 (24)74-VII-16663. The High Court of Himachal Pradesh, in exercise of the powers vested u/s 12 (2) of the Code of Criminal Procedure, 1973, is pleased to appoint the Civil Judge (Jr. Divn.)-cum-JMIC, Rampur Bushahr as Additional Chief Judicial Magistrate for Kinnaur Sessions Divisions enabling him to look after the urgent work pertaining to the court of District and Sessions Judge, Kinnaur at Rampur Bushahr during the leave period of Shri Sushil Kukreja, w.e.f. 13-8-2006 to 15-8-2006, or until he returns from leave.

Shimla, the 27/28th July, 2006

No. HHC/Admn. 16 (7) 74-VIII-16682. Hon'ble the Chief Justice, in exercise of the powers vested in him u/s 139 (b) of the Code of Civil Procedure, 1908, u/s 297 (b) of the Code of Criminal Procedure, 1973 and Rule 4 (f) of the H. P. Oath Commissioners (Appointment & Control) Rules, 1996 is pleased to appoint Ms. Sapna Katoch, Advocate, Palampur, as Oath Commissioner at Palampur, District Kangra, H. P. w.e.f. 30-7-2006 and Shri Sudesh Kumar, Advocate Palampur as Oath Commissioner at Palampur, District Kangra, H. P. w.e.f. 2-8-2006 for a period of two years, for administering oaths and affirmations on affidavits to the deponents under the aforesaid Codes and Rules.

Shimla, the 28th July, 2006

No. HHC/Admn. 6 (24)74-VII-16673. The High Court of Himachal Pradesh, in exercise of the powers vested u/s 12 (2) of the Code of Criminal Procedure, 1973, is pleased to appoint the Civil Judge (Jr. Divn.)-cum-JMIC, Manali as Additional Chief Judicial Magistrate for Kullu district for disposal of urgent work pertaining to the Courts of Civil Judge (Sr. Division)-cum-CJMs, Kullu and Lahaul & Spiti at Kullu, w.e.f. 29-7-2006 to 1-8-2006.

Shimla, the 31st July/1st August, 2006

No. HHC/GAZ/14-216/95-16866. Hon'ble the Chief Justice is pleased to grant *ex-post-facto* sanction of 3 days commuted leave w.e.f. 22-7-2006 to 24-7-2006 in favour to Shri Yashwant Singh, Civil Judge (Sr. Division)-cum-ACJM (I), Shimla.

Certified that Shri Yashwant Singh has joined the same post and at the same station from where he proceeded on leave after expiry of the above period of leave.

Also certified that Shri Yashwant Singh would have continued to hold the post of Civil Judge (Sr. Division)-cum-ACJM (I), Shimla, but for his proceeding on leave for the above period.

Shimla, the 1st/2nd August, 2006

No. HHC/GAZ/14-250/2000-16942. Hon'ble the Chief Justice is pleased to grant 6 days earned leave with effect from 3-8-2006 to 8-8-2006 with permission to suffix Gazetted holiday falling on 9-8-2006 in favour of Miss Anuja Sood, Civil Judge (Jr. Division)-cum-JMIC, Naddan.

Certified that Miss Anuja Sood is likely to join the same post and at the same station from where she proceeds on leave, after expiry of the above period of leave.

Also certified that Miss Anuja Sood would have continued to hold the post of Civil Judge (Jr. Division)-cum-JMIC, Naddan, but for her proceeding on leave for the above period.

Shimla, the 7th August, 2006

No. HHC/GAZ/14-179/87-I-17455. Hon'ble the Chief Justice is pleased to grant *ex-post-facto* extension of 8 days earned leave w.e.f. 15-7-2006 to 22-7-2006 with permission to suffix Sunday falling on 23-7-2006 in favour of Shri A. K. Sharma, Presiding Officer, Fast Track Court, Ghumarwin. This is in continuation of this Registry notification of even number dated 8/9-6-2006.

Certified that Shri Sharma has joined the same post and at the same station from where he proceeded on leave after expiry of the above period of leave.

Also certified that Shri Sharma would have continued to hold the post of Presiding Officer, Fast Track Court, Ghumarwin but for his proceeding on leave for the above period.

Shimla, the 10th August, 2006

No. HHC. Admn. 3 (331)/92-I-17546. 10 days earned leave on and with effect from 17-8-2006 to 26-8-2006 with permission to affix holidays falling on 15th, 16th and 27th August, 2006 is hereby sanctioned in favour of Sh. Davinder Chopra, Secretary of this Registry.

Certified that Shri Davinder Chopra is likely to join the same post and at the same station from where he proceeds on leave after the expiry of the above leave period.

Certified that Shri Davinder Chopra, would have continued to officiate the same post of Secretary but for his proceeding on leave.

Shimla, the 10th August, 2006

No. HHC/Admn. 3 (139)/79-I-17561. 7 days commuted leave on and with effect from 29-7-2006 to 4-8-2006 is hereby sanctioned, *ex-post-facto*, in favour of Shri Kamal Kishore, Court Secretary of this Registry.

Certified that Shri Kamal Kishore is likely to join the same post and at the same station from where he proceeds on leave after the expiry of the above leave period.

Certified that Shri Kamal Kishore would have continued to hold the same post of Court Secretary but for his proceeding on leave.

Shimla, the 11th August, 2006

No. HHC/Admn. 3 (283)/90-17602. 10 days earned leave on and with effect from 17-8-2006 to 26-8-2006 with permission to affix holidays falling on 15th, 16th and 27th August, 2006 is hereby sanctioned in favour of Shri Chhape Ram, Secretary of this Registry.

Certified that Shri Chhape Ram is likely to join the same post and at the same station from where he proceeds on leave after the expiry of the above leave period.

Certified that Shri Chhape Ram would have continued to officiate the same post of Secretary, but for his proceeding on leave.

*Shimla, the 11th August, 2006*

No. HHC/Admn. 3 (40)/74-III-17608.—One day's earned leave for 17-7-2006 and 4 days commuted leave on and with effect from 18-7-2006 to 21-7-2006 with permission to prefix Sunday falling on 16-7-2006 is hereby sanctioned, *ex-post-facto*, in favour of Shri Surinder Thakur, Assistant Registrar of this Registry.

Certified that Shri Surinder Thakur is likely to join the same post and at the same station from where he proceeds on leave after the expiry of the above leave period.

Certified that Shri Surinder Thakur would have continued to officiate the same post of Assistant Registrar but for his proceeding on leave.

*Shimla, the 11th August, 2006*

No HHC/Admn. 3 (40)/74-III-17605.—One day's earned leave for 3-7-2006 and 4 days commuted leave on and with effect from 4-7-2006 to 7-7-2006 with permission to affix holidays falling on 2nd, 8th and 9th July, 2006 is hereby sanctioned, *ex-post-facto*, in favour of Shri Surinder Thakur, Assistant Registrar of this Registry.

Certified that Shri Surinder Thakur is likely to join the same post and at the same station from where he proceeds on leave after the expiry of the above leave period.

Certified that Shri Surinder Thakur would have continued to officiate the same post of Assistant Registrar but for his proceeding on leave.

*Shimla, the 12th September, 2006*

No. HHC/GAZ/14-265/2003-19689.—Hon'ble the Chief Justice is pleased to grant 6 days earned leave w.e.f. 25-9-2006 to 30-9-2006 with permission to prefix Sunday falling on 24-9-2006 and to suffix Sundays and Dussehra holidays falling with effect from 1-10-2006 to 8-10-2006 in favour of Ms. Abira Basu, Civil Judge (Jr. Divn.)-cum-JMIC (4), Shimla.

Certified that Ms. Basu is likely to join the same post and at the same station from where she proceeds on leave after expiry of the above period of leave.

Also certified that Ms. Basu would have continued to hold the post of Civil Judge (Jr. Division)-cum-JMIC (4), Shimla but for her proceeding on leave for the above period.

*Shimla, the 14th September, 2006*

No. HHC/GAZ/14-160/84-I-19924.—Hon'ble the Chief Justice is pleased to grant 10 days earned leave w. e. f. 21-9-2006 to 30-9-2006 with permission to suffix Sundays and Dussehra holidays falling w. e. f. 1-10-2006 to 8-10-2006 in favour of Shri C. L. Kochhar, Presiding Officer, Fast Track Court, Una.

Certified that Shri Kochhar is likely to join the same post and at the same station from where he proceeds on leave after expiry of the above period of leave.

Also certified that Shri Kochhar would have continued to hold the post of Presiding Officer, Fast Track Court, Una but for his proceeding on leave for the above period.

*Shimla, the 16th September, 2006*

No. HHC/GAZ/14-77/76-IV-20099.—Hon'ble the Chief Justice is pleased to grant *ex-post-facto* sanction of

13 days commuted leave w. e. f. 29-8-2006 to 10-9-2006 in favour of Shri V. K. Gupta, Registrar (Vigilance), High Court of Himachal Pradesh, Shimla.

Certified that Shri Gupta has joined the same post and at the same station from where he proceeded on leave after expiry of the above period of leave.

Also certified that Shri Gupta would have continued to hold the post of Registrar (Vigilance), High Court of Himachal Pradesh, Shimla but for his proceeding on leave for the above period.

*Shimla, the 16th September, 2006*

No. HHC/GAZ/14-249/2000-20125.—Hon'ble the Chief Justice is pleased to grant 6 days earned leave w. e. f. 25-9-2006 to 30-9-2006 with permission to prefix Sunday falling on 24-9-2006 and to suffix Sunday and Dussehra holidays falling w. e. f. 1-10-2006 to 8-10-2006 in favour of Smt. Aparna Sharma Civil Judge (Jr. Divn.)-cum-JMIC, Nahan.

Certified that Smt. Sharma is likely to join the same post and at the same station from where she proceeds on leave, after expiry of the above period of leave.

Also certified that Smt. Sharma would have continued to hold the post of Civil Judge (Jr. Divn.)-cum-JMIC, Nahan, but for her proceeding on leave for the above period.

*Shimla, the 16/18th September, 2006*

No. HHC/GAZ/14-202/90-I-20134.—Hon'ble the Chief Justice is pleased to grant 6 days earned leave w. e. f. 25-9-2006 to 30-9-2006 with permission to prefix Sunday falling on 24-9-2006 and to suffix Sunday and Dussehra holidays falling w. e. f. 1-10-2006 to 8-10-2006 in favour of Shri Ram Krishan Sharma, Civil Judge (Sr. Divn.)-cum-CJM, Nahan.

Certified that Shri Sharma is likely to join the same post and at the same station from where he proceeds on leave, after expiry of the above period of leave.

Also certified that Shri Sharma would have continued to hold the post of Civil Judge (Sr. Divn.)-cum-CJM, Nahan, but for his proceeding on leave for the above period.

*Shimla, the 16/18th September, 2006*

No. HHC/Admn. 6 (23)/74-XIII-20145. Hon'ble the Chief Justice in exercise of the powers vested in him under rule 1.26 of H. P. Financial Rules, 1971, Volume-I, is pleased to declare the Additional District and Sessions Judge, Nahan as Drawing and Disbursing Officer in respect of the courts of Civil Judge (Sr. Division)-cum-CJM, Nahan and Civil Judge (Jr. Division)-cum-JMIC, Nahan and also the Controlling Officer for the purpose of T. A. etc. in respect of class-II, III and IV establishments attached to the aforesaid Courts under Major Head "2014 Administration of Justice" during the leave period of Shri Ram Krishan Sharma, Civil Judge (Sr. Division)-cum-CJM, Nahan and Smt. Aparna Sharma Civil Judge (Jr. Division)-cum-JMIC, Nahan w. e. f. 25-9-2006 to 30-9-2006 with permission to prefix Sunday falling on 24-9-2006 and to suffix Sunday and Dussehra holidays falling w. e. f. 1-10-2006 to 8-10-2006 or until they return from leave.

*Shimla-171/001, the 21st November and 18/19th Dec., 2006*

No. HHC/Admn. 6 (23)/74-XIII-28422.—Hon'ble the Chief Justice in exercise of the powers vested in him under Rule 1.26 of H. P. Financial Rules, 1971, Volume-I, is pleased to declare the District and Sessions Judge, Una as Drawing and Disbursing Officer in respect of Fast Track Court, Una and also the Controlling Officer for the purpose of T. A. etc. in respect of class-II and IV establishment attached

to the aforesaid court under head "2014-00-105-03 (sevt Plan) during the leave period of Sh. C. L. Kochhar Presiding Officer, Fast Track Court, Una with effect from 26-12-2006 to 4-1-2007 with permission to prefix Sunday and gazetted holiday falling on 24th & 25th December, 2006 and to suffix gazetted holiday falling on 5th January, 2007 or until he returns from leave.

*Shimla, the 18/19th December, 2006*

No. HHC/GAZ/14-160-84-1-28412.—Hon'ble the Chief Justice is pleased to grant 10 days earned leave w. e. f. 26-12-2006 to 4-1-2007 with permission to prefix Sunday and gazetted holiday falling on 24th and 25th December, 2006 and to suffix holiday falling on 5-1-2007 in favour of Shri C. L. Kochhar, Presiding Officer, Fast Track Court, Una.

Certified that Shri Kochhar is likely to join the same post and at the same station from where he proceeds on leave, after expiry of the above period of leave.

Also certified that Sh. Kochhar would have continued to hold the post of Presiding Officer, Fast Track Court, Una but for his proceeding on leave for the above period.

By order,

Sd/-  
Registrar General.

## DEPARTMENT OF THE ADVOCATE GENERAL NOTIFICATIONS

*Shimla-171 001, the 7th December, 2006*

No. 1-12/2003-14490.—Sanction is hereby accorded to the grant of 9 days earned leave w. e. f. 4-12-2006 to 12-12-2006 in favour of Shri Ashok Chaudhary, Additional Advocate General of this department with permission to avail Sunday falling on 3rd December, 2006.

Certified that Shri Ashok Chaudhary, Additional Advocate General would have continued to officiate, but for his proceeding on 9 days earned leave and that this period of leave will count for continuation of his appointment.

Certified also that said Sh. Ashok Chaudhary, Additional Advocate General is likely, on the expiry of leave to return for duty to the station from where he proceeds on leave.

*Shimla-171 001, the 8th December, 2006*

No. 1-15/92-14506.—*Ex-post-facto*, sanction is hereby accorded to the grant of 3 days earned leave with effect from 29-11-2006 to 22-12-2006 in favour of Shri Gopal Singh Sisodia, Law Officer of this department with permission to avail Sunday which fell on 19th November, 2006.

Certified that Shri Gopal Singh Sisodia, Law Officer would have continued to officiate, but for his proceeding on 3 days earned leave and that this period of leave will count for continuation of his appointment.

Certified also that said Shri Gopal Singh Sisodia, Law Officer was likely, on the expiry of leave to return for duty to the station from where he proceeded on leave.

*Shimla-171 001, the 8th December, 2006*

No. 3-6/80-111-14508.—Sanction is hereby accorded to the grant of 9 days earned leave w. e. f.

5-12-2006 to 13-12-2006 in favour of Smt. Veena Chauhan, Superintendent Graded of this Department.

Certified that Smt Veena Chauhan, would have continued to officiate, but for her proceeding on 9 days earned leave and that this period of leave will count for earning annual increment.

Certified also that said Smt. Veena Chauhan, is likely, on the expiry of leave to return for duty to the station from where she proceeds on leave.

*Shimla-171 001, the 11th December, 2006*

No. 1-21/2003-14703.—Sanction is hereby accorded to the grant of 2 days earned leave for 12-2006 and 8-12-2006 in favour of Shri Vijay Thakur, Dy. Advocate General of this department with permission to avail 2nd Saturday & Sunday falling on 9th & 10th December, 2006.

Certified that Shri Vijay Thakur, Deputy Advocate General would have continued to officiate, but for his proceeding on 2 days earned leave and this period of leave will be count for continuation of his appointment.

Certified also that said Shri Vijay Thakur, Deputy Advocate General is likely, on the expiry of leave to return for duty to the station from where he proceeds on leave.

*Shimla-171 001, the 14th December, 2006*

No. 1-14/2004-14896.—*Ex-post facto* sanction is hereby accorded to the grant of 3 days earned leave w. e. f. 6-12-2006 to 8-12-2006 in favour of Shri Som Dutt Vasudeva, Additional Advocate General of this department with permission to avail Second Saturday and Sunday falling on 9th and 10th December, 2006.

Certified that Shri Som Dutt Vasudeva, Additional Advocate General would have continued to officiate, but for his proceeding on 3 days earned leave and that this period of leave will count for continuation of his appointment.

Certified also that said Sh. Som Dutt Vasudeva is likely, on the expiry of leave to return for duty to the station from where he proceeds on leave.

Sd/-

Advocate General  
Himachal Pradesh.

हिमाचल प्रदेश सरकार

ELEMENTARY EDUCATION DEPARTMENT

CORRIGENDUM

*Shimla-2, the 8th November, 2006*

No. Shiksha-II-Chha (5) 2/2006.—Please read the name "Government Middle School, Dhaboi" in place of "Government Middle School, Bhabori" appearing at serial number 4 below Heading "Primary to Middle" of this Department Notification of even number dated 18-8-2005 regarding upgradation of Schools of District Mandi, Himachal Pradesh.

NOTIFICATIONS

*Shimla-2, the 6th December, 2006*

No. EDN-C-A(10) 2-2005.—The Governor, Himachal Pradesh is pleased to order the upgradation of the Government Primary School, Tirmali, District Sirmaur,

to that of Government Middle School with immediate effect.

The above upgraded school be made functional immediately. Further the upgradation of this school is subject to the condition that suitable accommodation will be provided by the local public, if required.

*Shimla-2, the 6th December, 2006*

No. EDN-C-A(10)2/2006.—The Governor, Himachal Pradesh is pleased to order the upgradation of the Government Primary School Thundrada, G. P. Midat, D. Block Chopal, District Shimla to that of Government Middle School with immediate effect.

The above upgraded school be made functional immediately. Further the upgradation of this school is subject to the condition that suitable accommodation will be provided by the local public, if required.

By order,

Sd/-  
Principal Secretary.

## HIGHER EDUCATION DEPARTMENT

### NOTIFICATIONS

*Shimla 2, the 4th December, 2006*

No. EDN-A-Ja(1)-2/2006.—The Governor, Himachal Pradesh is pleased to order the upgradation of the following Government High/Middle schools to that of Government Senior Secondary Schools with immediate effect in the public interest:—

1. Government Middle School Dumehar, District Bilaspur.
2. Government High School Morhana, District Bilaspur.
3. Government High School Dadhol, District Bilaspur.
4. Government High School Karloti, District Bilaspur.

These up-graded schools will be made functional immediately. Further the up-gradation of these schools is subject to the condition that suitable accommodation will be provided by the local public, if required.

*Shimla-2, the 7th December, 2006*

No. EDN-A-Ja (1)-2/2006-L.—The Governor, Himachal Pradesh is pleased to order the up-gradation of the following Government High schools to that of Government Senior Secondary Schools with immediate effect in the public interest:—

1. Government High School Pirun (Kasumpti Const.) District Shimla.
2. Government High School Bycheri (Kasumpti Const.) District Shimla.
3. Government High School Bran (Kullu Const.) District Kullu.

These up-graded schools will be made functional immediately. Further the up-gradation of these schools is subject to the condition that suitable accommodation will be provided by the local public, if required.

By order,

Sd/-  
Principal Secretary.

## GENERAL ADMINISTRATION DEPARTMENT (Section-A)

### NOTIFICATION

*Shimla-2, the 20th November, 2006*

No. GAD-A (B) 8-4/2001.—The Governor of Himachal Pradesh is pleased to declare 1st December, 2006 as public holiday in the areas of those Panchayati Raj Institutions where the bye-elections are scheduled to be held to fill up the vacant seats in these Panchayati Raj Institutions. All Government Offices/Boards/Corporation/Educational Institutions and Industrial Establishments under Industrial Dispute Act and Shops will remain closed on the said date in the areas of these Institutions. However, it may be ensured that this would be a paid holiday to the daily waged employees and also within the meaning of Section 25 of Negotiable Instrument Act, 1881 working in the areas of those Panchayats where the elections are scheduled to be held.

All the Deputy Commissioners are authorized to declare a public holiday on the date of poll in the concerned areas within their jurisdiction. The public holiday declared by the Deputy Commissioners would be applicable only on those areas where the bye-election are taking place.

It is, however clarified that special casual leave facility may be given to those employees who are working in different places in the State but have a right to vote in other constituencies places in the Pradesh on the production of certificate from the concerned Presiding Officer that the employee has actually cast his/her vote.

By order,

S. S. PARMAR,  
Chief Secretary.

## HEALTH AND FAMILY WELFARE DEPARTMENT

### ORDER

*Shimla-2, the 22nd November, 2006*

No. Health-B (3) 108/94.—Whereas Dr. (Mrs.) Kiran Kanwar, Medical Officer, District Hospital Una was served with a memorandum of charge-sheet for imposition of major penalty under Rule 14 of the C. C. S. (C. C. A.) Rules, 1965 vide this Department's Memorandum No. Health-B (3) 103/94, dated 24-4-2004, for her acts of omission and commission, while posted as such at District Hospital Una.

2. And Whereas the said Dr. (Mrs.) Kiran Kanwar, Medical Officer, did not contest the charges or come forward to deny the same. Dr. Sandeep Bhatnagar, Additional Secretary (Health) to Govt. of H. P. was appointed as "Inquiry Officer" to inquire into the charges framed against her vide letter No. Health B(3)-108/2001, dated 1-9-2005.

3. And whereas the Inquiring Officer submitted his inquiry report vide his letter No. PA-AS (Health)-Inq./2006, dated 18-2-2006, wherein the charges levelled against the said Dr. (Mrs.) Kiran Kanwar, Medical Officer, District Hospital Una stand proved.

4. And Whereas Dr. (Mrs.) Kiran Kanwar was supplied a copy of enquiry report as required under Rule 15 of the C. C. S. (C. C. A.) Rules, 1965 on 22-3-2006 for making representation if any. Against this enquiry report Dr. (Mrs.) Kiran Kanwar did not submit any representation.

5. Whereas the Himachal Pradesh Public Service Commission was consulted in the matter vide this Department letter No. Health-A-B (3) 108/94, dated 12-10-2006 who has also conveyed its approval vide its letter No. 3-1/2002-PSC-Part, dated 4-11-2006.

6. And whereas I being the disciplinary authority has considered the circumstances, facts of the case and the findings of the Inquiry Officer and have decided dismissal of Dr. (Mrs.) Kiran Kanwar, Medical Officer from the Himachal Pradesh Government services.

7. Now, therefore, the Governor, Himachal Pradesh in consultation with the Himachal Pradesh Public Service Commission is pleased to impose the following Major penalty under Rule 11 of the C. C. S. (C. C. A.) Rules, 1965 upon Dr. (Mrs.) Kiran Kanwar, Medical Officer, District Hospital Una:—

"Dismissal from Government service".

BY ORDER AND IN THE NAME OF GOVERNOR.

By order,

Sd/-  
Principal Secretary.

सिवाई एवं जन स्वास्थ्य विभाग

प्रधिसूचनाएं

जिमला-171002, 11 दिसम्बर, 2006

संख्या सिवाई 11-106/2006-चम्पा.—यतः राज्यपाल, हिमाचल प्रदेश यह प्रतीत होता है कि हिमाचल प्रदेश सरकार द्वारा सरकारी श्रम पर सार्वजनिक प्रयोजन हेतु नामतः गांव जीवना कनर, तहसील सिहवा, जिला चम्पा में उजाड़ सिवाई योजना पम्प हाऊस मोहनवा के निर्माण हेतु भूमि अधिग्रहण करी प्रेषित है। अतएव एतद्वारा यह अधिसूचित किया जाता है कि उक्त परिशेष में जैसा कि निम्न विवरणी में निदिष्ट किया गया है, उपरोक्त प्रयोजन के लिए भूमि का अर्जन प्रेषित है।

2 यह अधिसूचना ऐसे सभी व्यक्तियों को जो इससे सम्बन्धित है या हो सकते हैं, की जानकारी के लिए भूमि अर्जन अधिनियम, 1894 की धारा 4 के उपबन्धों के अन्तर्गत जारी की जाती है।

3. पूर्वोक्त धारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राज्यपाल, हिमाचल प्रदेश इस समय इस उपक्रम में कार्यरत सभी अधिकारियों, उनके कर्मचारियों और श्रमिकों को इलाके की किसी भी भूमि में प्रवेश करने तथा सर्वेक्षण करने तथा उस धारा द्वारा प्रेषित प्रथम अनुमति सभी अन्य कार्यों को करने के लिए सर्वे प्राधिकार देते हैं।

4. कोई भी हितवद्ध व्यक्ति, जिसे उक्त परिशेष में कृषि भूमि के अर्जन पर कोई आपत्ति हो, वो वह इस अधिसूचना के प्रकाशित होने के तीस दिनों की अवधि के भीतर लिखित रूप में भू-अर्जन समारूढी, कांगड़ा, हिमाचल प्रदेश लोक निर्माण विभाग के मध्य प्रपत्ति आपत्ति दायर कर सकता है।

विस्तृत विवरणी

जिला : चम्पा	तहसील : सिहवा
गांव	खमरा नं० क्षेत्र बोधा विस्वा
जोतना कनर	51/1 1 3

जिमला-171002, 15 दिसम्बर, 2006

संख्या सिवाई 11-89/2006-कांगड़ा.—यतः हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि हिमाचल प्रदेश सरकार की प्रत्येक श्रम पर सार्वजनिक प्रयोजन के लिए नामतः गांव मिपानी, गंधीन इन्दौर, जिला कांगड़ा में शाहनगर परियोजना एतद्वारा (धारा) के निर्माण हेतु भूमि अधिग्रहण करी प्रेषित है। अतएव एतद्वारा यह अधिसूचित किया जाता है कि उक्त परिशेष में जैसा कि निम्न विवरणी में निदिष्ट किया गया है, उपरोक्त प्रयोजन के लिए भूमि का अर्जन प्रेषित है।

2. यह अधिसूचना ऐसे सभी व्यक्तियों को, जो इससे सम्बन्धित है या हो सकते हैं, की जानकारी के लिए भूमि अर्जन अधिनियम, 1894 की धारा 4 के उपबन्धों के अन्तर्गत जारी की जाती है।

3. पूर्वोक्त धारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राज्यपाल, हिमाचल प्रदेश इस समय इस उपक्रम में कार्यरत सभी अधिकारियों, उनके कर्मचारियों और श्रमिकों को इलाके की किसी भी भूमि में प्रवेश करने और सर्वेक्षण करने तथा उस धारा द्वारा प्रेषित प्रथम अनुमति सभी अन्य कार्यों को करने के लिए सर्वे प्राधिकार देते हैं।

4. अत्याधिक आवश्यकता को दृष्टि में रखते हुए राज्यपाल, हिमाचल प्रदेश उक्त अधिनियम की धारा 17 की उप-धारा (4) के अधीन यह भी निर्देश देते हैं कि उक्त अधिनियम की धारा 5-ए के उपबन्ध इस मामले में लागू नहीं होंगे।

विस्तृत विवरणी

जिला : कांगड़ा	तहसील : इन्दौर
गांव	खमरा नं० क्षेत्र (हेक्टेयरों में)
मिपानी	578/1 0 02 48
	579/2/1 0 01 17
	568/1 0 02 16
	518/1 0 02 48
	520/1 0 01 44
	521/1 0 07 40
	525/1 0 04 28
	543/1 0 03 96
	370/1 0 02 52
	355/1 0 01 87
	785, 752/1 0 02 84
	354/1 0 06 02
	301/1 0 03 84
	303/1 0 00 83
	304/1 0 05 80
	292/1 0 00 90
	291/1 0 01 08
	289/1 0 00 54
	282/1 0 01 86
	272/1 0 03 72
	263/1 0 03 20
	260/1 0 01 40
	121/1 0 05 44
	130/1 0 06 32
	133/1 0 03 66
कुल ** 25	0 77 35

जिमला-2, 11 दिसम्बर, 2006

संख्या सिवाई 11-67/2005-जिमला.—यतः हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि हिमाचल प्रदेश सरकार को सरकारी श्रम पर सार्वजनिक प्रयोजन के लिए नामतः गांव बंधोली, तहसील रोहड़, जिला जिमला में मोकरेज प्रणाली गंधोली के निर्माण के लिए भूमि की जानी अपेक्षित है। अतएव एतद्वारा यह घोषित किया जाता है कि निर्माणाधीन विस्तृत विवरणी में वर्णित भूमि उपर्युक्त प्रयोजन के लिए अपेक्षित है।

2. भूमि अर्जन अधिनियम, 1894 की धारा 6 के उपबन्धों के अधीन सभी सम्बन्धित व्यक्तियों की सूचना के लिए घोषणा की जाती है तथा उक्त अधिनियम की धारा 7 के उपबन्धों के अधीन सहायता, भू-अर्जन, हिमाचल प्रदेश लोक निर्माण विभाग, जिमला को उक्त भूमि के अर्जन के लिए आदेश देने का एतद्वारा निर्देश दिया जाता है।

3. भूमि का रेखांक समारूढी, भू-अर्जन, लोक निर्माण विभाग, जिमला, हिमाचल प्रदेश के कार्यालय में निरीक्षण किया जा सकता है।



विस्तृत विवरणी			विस्तृत विवरणी		
जिला : सोलन			तहसील : सोलन		
गांव	खसरा नं०	क्षेत्र (हेक्टेयरों में)	गांव	खसरा नं०	क्षेत्र (हेक्टेयरों में)
गंगोली	440/1	0 35 90	काथला	67/1	0 18
	440/2/1	0 17 60			
	440/1/1	0 00 39			
	443/1	0 02 31			
	442/1	0 02 28			
	513/1	0 11 74			
	514/1	0 01 08			
	515/1	0 00 63			
	515/2	0 01 25			
	516/1	0 00 99			
	521/1	0 00 92			
	524/1	0 00 46			
	526/1	0 01 47			
	527/1	0 01 41			
	528/1	0 00 51			
	529/1	0 00 45			
	530/1	0 00 39			
	531/1	0 01 11			
	535/1	0 00 40			
	556/1	0 05 56			
	484/1	0 04 52			
	484/2	0 00 07			
	487/1	0 03 05			
	486/1	0 04 14			
	489/1	0 02 25			
	436/1	0 01 85			
किता .. 26		1 02 73			

शिमला-2, 11 दिसम्बर, 2006

संख्या सिचाई 11-108/2006-सोलन.—यतः राज्यपाल, हिमाचल प्रदेश को यह प्रतीत होता है कि हिमाचल प्रदेश सरकार द्वारा सरकारी व्यय पर सार्वजनिक प्रयोजन हेतु नामतः गांव काथला, तहसील कसौली, जिला सोलन में पंचजन योजना कायला के निर्माण हेतु भूमि अर्जित करनी अपेक्षित है। प्रत्यक्ष एवं/या यद् अधिसूचित किया जाता है कि उक्त परिक्षेत्र में जंगल कि निम्न विवरणी में निर्दिष्ट किया गया है, उपरोक्त प्रयोजन के लिए भूमि का अर्ज अस्वीकृत है।

2. यह अधिसूचना ऐसे सभी व्यक्तियों को, जो इससे सम्बन्धित हैं या हो सकते हैं, की जानकारी के लिए भूमि अर्जन अधिनियम, 1894 की धारा 4 के उपबंधों के अन्तर्गत जारी की जाती है।

3. पूर्वोक्त धारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राज्यपाल, हिमाचल प्रदेश इस समय इन उपबंध में कार्यरत सभी अधिभारियों, उनके कर्मचारियों और अधिकारियों को इसके की किसी भी भूमि में प्रवेश करने तथा सर्वेक्षण करने और उस धारा द्वारा अधिसूचित या यद् अधिसूचित सभी अन्य कार्यों को करने के लिए सह्य प्राधिकार देते हैं।

4. कोई भी हितवृद्ध व्यक्ति, जिसे उक्त परिक्षेत्र में कथित भूमि के अर्जन पर कोई आपात्त हो, तो वह इस अधिसूचना के प्रकाशित होने के तीस दिनों की अवधि के अन्तर निम्नलिखित रूप में भूमि अर्जन समाह्वती, शिमला, हिमाचल प्रदेश लोक निर्माण विभाग के माध्यम से आपात्त दाखल कर सकता है।

विस्तृत विवरणी			तहसील : सोलन		
जिला : सोलन			तहसील : सोलन		
गांव	खसरा नं०	क्षेत्र (हेक्टेयरों में)	गांव	खसरा नं०	क्षेत्र (हेक्टेयरों में)
काथला	67/1	0 18			

उद्योग विभाग

अधिसूचना

शिमला-2, 12 दिसम्बर, 2006

संख्या इण्ड000(एक) 10-5/2005.—क्योंकि मैसर्स जय प्रकाश एसोसिएट लिमिटेड, जो ब्लाक, सूरजपुर वासना रोड, गेट नं० एडा सिटी, उत्तर प्रदेश, जो कि भूमि अर्जन अधिनियम, 1894 (1894 का पहला अधिनियम) की धारा 3 के खण्ड (ई) के अन्तर्गत एक कंपनी है, को अब अपने व्यय पर निम्नलिखित विनिर्दिष्ट भूमि जंगल कि कासम 5 में दर्शाया गया है, नहीं चाहिए।

यतः यह राज्यपाल, हिमाचल प्रदेश, भूमि अर्जन अधिनियम, 1894 की धारा 48 के अन्तर्गत प्रदत्त शक्तियों का प्रयोग करते हुए, इस विभाग की समस्त अधिसूचना दिनांक 3-5-2006 जिसके द्वारा गांव करोग व बागा, तहसील झर्की, जिला सोलन में सीमेंट का कारखाना एवं प्रावासी कालोनी की स्थापना हेतु भूमि अर्जित की गई थी, में से जंगल कि नौवें की गई विवरणी के कासम 5 में विनिर्दिष्ट भूमि अर्जन कारवाई को सहाय्य बाधित करते हैं।

विवरणी			तहसील : सोलन		
जिला : सोलन			तहसील : सोलन		
गांव	खसरा नं०	क्षेत्र (हेक्टेयरों में)	गांव	खसरा नं०	क्षेत्र (हेक्टेयरों में)
करोग	40	1 15			
बागा	224	0 04			

कुल किता .. 2 1 19

आदेश द्वारा,

हस्ताक्षरित/  
प्रधान सचिव।

## LAW DEPARTMENT

### NOTIFICATIONS

Shimla-2, the 4th December, 2006

No. LLR-B(1)5/96.—The Governor of Himachal Pradesh is pleased to change the nomenclature of the post of Legal Assistant in the Pay Scale of Rs. 6400—10640—working in various Government Departments to that of the Law Officer having the same pay scale of Rs. 6400—10640—without any financial benefits, with immediate effect.

Shimla-2, the 4th December, 2006

No. LLR-A(4)-2/92.—In pursuance of Himachal Pradesh High Court Order No. HHC/GAZ/14-207/92-3631, dated 28-11-2006 and Notification No. Per-(A-IV)-A(1)-1/85, dated 30th November, 2006 issued



by the Personnel Department and in exercise of the powers conferred under sub-section (3) of Section 6 of the Legal Services Authorities Act, 1987, the Governor, Himachal Pradesh is pleased to appoint Shri R. K. Mittal, Special Secretary (Law) to the Government of Himachal Pradesh as Member-Secretary, Himachal Pradesh State Legal Services Authority against vacancy on deputation basis for a period of two years on usual terms and conditions of deputation with immediate effect.

By order,

Sd/-  
L. R.-cum-Secretary.

## PUBLIC WORKS DEPARTMENT

### NOTIFICATION

Shimla-2, the 11th December, 2006

No. PBW-A-A-(1)-2/2003-II-Re-Org.—In partial modification of this department notification of even number dated 2-11-2006, the Governor, Himachal Pradesh is pleased to withdraw the para-2 of the said notification with regard to shifting of control of area comprising Vidhan Sabha complex at Dari (Dharamshala) attached with Electrical Sub-Division, HPPWD, Dharamshala to Electrical Sub-Division, HPPWD, Tanda under Electrical Divn, HPPWD, Palampur and to maintain status quo with immediate effect, in the public interest.

By order,

Sd/-  
Principal Secretary

## SOCIAL JUSTICE & EMPOWERMENT DEPARTMENT

### NOTIFICATIONS

Shimla-2, the 6th December, 2006

No. WLF-F(10)-1/96-I.—In pursuance of the powers conferred by section 13 (1) & (2) of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, the Governor of Himachal Pradesh, in supersession of this department notification of even No., dated 14-6-2004 and amendments issued from time to time, is pleased to re-constitute the State Level Co-ordinations Committee for disabled to review the implementation of the Act and also to provide guidance and instruction in this regard. The members of the committee are as under :—

- |   |          |
|---|----------|
| 1. Hon'ble Minister-in-Charge (S.J.&E). | Chairman |
| 2. Principal Secretary (Education)      | Member   |

- |  |                      |
|--|----------------------|
| 3. Principal Secretary (Finance)   | Member               |
| 4. Principal Secretary (Training)  | Member               |
| 5. Principal Secretary (Public Grievances Redressal).  | Member               |
| 6. Principal Secretary (Health)  | Member               |
| 7. Principal Secretary (R D)   | Member               |
| 8. Principal Secretary (Housing)   | Member               |
| 9. Principal Secretary (Industries)  | Member               |
| 10. Principal Secretary (Urban Development).   | Member               |
| 11. Principal Secretary (Labour & Employment).   | Member               |
| 12. Principal Secretary (Science & Technology).  | Member               |
| 13. Secretary (Personnel)  | Member               |
| 14. Labour Commissioner  | Member               |
| 15. Director (Technical Education)   | Member               |
| 16. M. D., H. R. T. C.   | Member               |
| 17. Shri Kuldeep Singh Pathania, Hon'ble MLA, Bhatiyat.  | Member               |
| 18. Shri Biru Ram Kishore, Hon'ble MLA, Geherwin.  | Member               |
| 19. Shri Jaggiwan Pal, Hon'ble MLA, Sulah.   | Member               |
| 20. Chairman, PHD Chamber of Commerce.   | Member               |
| 21. Shri Jitender Bhardwaj, President, H. P. Viklang Kalyan Sangh, Village Srinagar, P. O. & Tehsil Kandaghat, District Solan, Himachal Pradesh. | Non-Official Member. |
| 22. Shri Roshan Lal, Shop No. 129, Indra Market Mandi, district Mandi, Himachal Pradesh.   | Non-Official Member. |
| 23. Ms. Shalni Vat's, Joint Secretary, National Association for Blind, Kulla, Himachal Pradesh.  | Non-Official Member. |
| 24. Shri Vipul Goel, Secretary, IAMD, Hospital Road Solan, Himachal Pradesh.   | Non-Official Member. |
| 25. Principal Secretary (SJ&E)-cum-Commissioner Persons with Disabilities.   | Member-Secretary.    |

Shimla-2, the 6th December, 2006

No. WLF-F(10)-196-I. In supersession of this department notification No. WLF-F(10)-196, dated 7-1-1997, the Governor, Himachal Pradesh in pursuance of the powers conferred by section 19(i) & (2) of "The Persons with Disabilities (Equal Opportunities and Full Participation) Act, 1995, is pleased to re-constitute the State Executive Committee to perform the function assigned under the Act. The members of the Committee are as under :-

1. Principal Secretary-cum-Commissioner Persons with Disabilities.	Chairman
2. Principal Secretary (Health)	Member
3. Principal Secretary (Finance)	Member
4. Principal Secretary (R D)	Member
5. Principal Secretary (Education)	Member
6. Principal Secretary (Personnel)	Member
7. Principal Secretary (U D)	Member
8. Principal Secretary (Labour & Employment).	Member
9. Principal Secretary (Science & Technology).	Member
10. Mrs. Uma Baldi, Member, IRCS, Shimla-2	Member

11. Shri Data Ram Sharma, Lecturer in Political Science, Government College, Paonta Sahib.	Non-Official Member.
12. Shri Sushil Tanwar, Block No. 7/34, Civil Hotel, Shimla-4.	Non-Official Member.
13. Ms. Sanjana Goel, Joint Secretary, IADMI, Hospital Road Solan.	Non-Official Member.
14. Shri Sanjay Sood, President, UDDAN, Block No. 30, Set No. 1, New Shimla.	Non-Official Member.
15. Mr. Rajeev Sikka, 7 Studio near Lift, The Mall Shimla	Non-Official Member.
16. Director, S J & E-cum-Joint Commissioner Disabilities.	Member-Secretary.

Shimla-2, the 6th December, 2006

No. WLF-F(10)-196-I.—The Governor, Himachal Pradesh is pleased to denotify Sub-Committee of State Executive Committee for disabled constituted vide this department notification No. WLF-F(10)-4/2000-I, dated 31-1-2002 under the Chairmanship of the Chief Secretary to the Government of Himachal Pradesh, with immediate effect.

By order,

BHIM SEN,  
Principal Secretary.

भाग 2: वैधानिक नियमों को छोड़कर विभिन्न विभागों के अध्यक्षों और जिला मैजिस्ट्रेटों द्वारा अधिसूचनाएं इत्यादि

तारीख: 31 मार्च, 2006, गृहकार्य विभाग, जिला जमा, हिमाचल प्रदेश

कार्यालय आदेश

तारीख, 31 मार्च, 2006

क्रमांक १० द्वारा ०-कूप-निरीक्षक मुख्यालय-2229-32 — जैसा कि दो दंडेष्टा काटकर वर्ग वान में कर्म प्रोत्साहन-कर्म-नेन घोषा 10 समा दिनांक 3-11-1970 को पंजीयन संख्या 272 के अन्तर्गत पंजीकृत हुई थी और महाधक पंजीयक, गृहकार्य विभाग के कार्यालय आदेश संख्या 36-3-87, दिनांक 1-3-2000 के द्वारा विपटन में डाली गई थी;

हालांकि विपटन द्वारा अपने विपटनार्थक कार्यकाय के दौरान समा को पुनर्जीवित करने के प्रयास किए गए परन्तु वांछित परिणाम प्राप्त नहीं हुआ। समा का वांछित व प्राप्तव्य समा के अन्तिम ता/तारीख अंतर्गत पत्र व निरीक्षण-पत्र के अनुसार समायोजित हो चुकी है;

जैसा कि उक्त समा के विपटन द्वारा अन्तिम प्रतिवेदन व निरीक्षक गृहकार्य विभाग समर्थक ने अपने कार्यालय पत्रांक 247, दिनांक 27-11-2006 के अन्तर्गत उक्त समा के पंजीकरण को रद्द करने की निर्देशिका की है।

धन: उपरोक्त के दृष्टिगत, मैं, दिने राम धीमान, महाधक पंजीयक, गृहकार्य विभाग, जिला जमा, हिमाचल प्रदेश गृहकार्य विभाग अधिनियम, 1968 (एक्ट नं 0 3 ऑफ 1969) की धारा 83 (2) के अन्तर्गत पंजीयक, गृहकार्य विभाग, हिमाचल प्रदेश

भाग-3—अधिनियम, विधेयक और विधेयकों पर प्रवर समिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के राज्यापाल हिमाचल प्रदेश हाई कोर्ट, फाईनैंगियल कमिशनर तथा कमिशनर ग्राम इन्कम टैक्स द्वारा अधिसूचित आदेश इत्यादि

भाग-4—स्वायत्त शासन, म्युनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटिफाईड और टाऊन एंडरवा तथा पंचायती राज विभाग

शिमला को शक्तिव्यो का प्रयोग करते हुये आज दिनांक 28-11-2006 को ऊपरलिखित गृहकार्य विभाग के पंजीयन को रद्द करने का आदेश देता हूँ।

दिने राम धीमान,  
महाधक पंजीयक, गृहकार्य विभाग,  
जमा, जिला जमा, हिमाचल प्रदेश।

H. P. STATE LEGAL SERVICES AUTHORITY,  
SHIMLA-171009

CHARGE ASSUMPTION REPORT

Shimla-9, the 6th December, 2006

No. 14-LSA/MS/P.F./2000/3152-3257.—Consequent upon my appointment as Member-Secretary, Himachal Pradesh State Legal Services Authority, Shimla vide Government of Himachal Pradesh, Department of Law, Notification No. LLR-A(4)-2/92, dated 4th December, 2006 and pursuant to the Hon'ble High Court of Himachal Pradesh Notification No. HHC/GAZ/14-53/74-IV-25543-67, dated 28-11-2006, I, R. K. Mittal have assumed the charge of the post of Member-Secretary, Himachal Pradesh State Legal Services Authority in the afternoon on 6th December, 2006.

Sd/-  
(R. K. MITTAL),  
Member-Secretary,  
H. P. State Legal Services Authority,  
Shimla-171009.

-अध्यक्ष-

-गुप्त-

## भाग-5—व्यक्तिगत अधिसूचनाएं और विज्ञापन

व धंदालत श्री जोगिन्द्र सिंह, महायक समाहर्ता द्वितीय श्रेणी, घुमारवीं, जिला बिलासपुर (हि0 प्र0)

नैण सिंह मुजुव श्री राम दिता, जाति राजपूत, निवासी गांव पन्नाली, परगना घनमपुर, तहसील घुमारवीं, जिला बिलासपुर (हि0 प्र0)

वनाम

घाम जानता स्थित गांव पन्नाली, तहसील घुमारवीं, जिला बिलासपुर (हि0 प्र0)।

दरभान्त मरफुद-उल-खवर मिनजातिव राम दिता पुत्र किशु, गांव पन्नाली, तहसील घुमारवीं, जिला बिलासपुर बण पत्रांकृत वसीयत दिनांक 28-3-1983.

उपरोक्त विषय पर घाम व खास को बजरिया राजपूत द्वारा सूचित किया जाता है कि श्री नैण सिंह मुजुव श्री राम दिता, जाति राजपूत, निवासी पन्नाली, परगना घनमपुर, तहसील घुमारवीं, जिला बिलासपुर 40) ने एक धावेदन-पत्र दिया है कि उसका पिता राम दिता पुत्र कत राम, गांव पन्नाली दिनांक 26-5-1994 में जापता है जिस बारा पुलिस थाना मराठी में भी रिपोर्ट दर्ज है। उनका यह भी कहना है कि राम दिता का इस घरमा में कोई बिट्टी-पुत्र न आया है और न ही उसका कोई जता-पता चला है। जिसमें प्राची को संदेह पैदा हो गया है कि कहीं उसकी संदिग्ध मौत हो चुकी है। श्री नैण सिंह ने अपने प्राथना-पत्र में वह भी अनुरोध किया है कि श्री राम दिता ने अपनी चर्च व प्रचल सम्पत्ति की वसीयत दिनांक 28-3-1983 को सवरजिस्टार, घुमारवीं के पास पंजीकृत हुई है जो सर्वश्री नैण सिंह, लाल सिंह, बसन्त सिंह, माग सिंह पुत्रांन व शोमती बिन्ती देवी पत्नी राम दिता, गांव पन्नाली, तहसील घुमारवीं, जिला बिलासपुर (हि0 प्र0) के नाम है, लेकिन बिन्ती देवी स्वर्गवान हो चुकी है। इसलिए राम दिता की वरासत का इत्तकाल वसीयत के अनुसार दर्ज करने की प्राथना की है।

अतः उपरोक्त अमर के बारा बजरिया राजपूत आन व खास को सूचित किया जाता है कि किसी व्यक्ति को श्री राम दिता के जीवित होने बारा कोई सबूत या पंजीकृत वसीयत के अनुसार इन्तकाल करने में कोई आपत्ति हो तो वह दिनांक 12-1-2007 को सुबह 10.00 बजे असावतन/बकालतन हाजिर आकर एतराज पेश कर सकता है अन्यथा श्री राम दिता की वरासत का इत्तकाल नं0 69, दिनांक 9-10-2006 वसीयत अनुसार कर दिया जावेगा।

घाज दिनांक 24-11-2006 को हमारे हस्ताक्षर व मोहर अदालत से जारी किया गया।

मोहर। जोगिन्द्र सिंह,  
महायक समाहर्ता द्वितीय श्रेणी एवं नायब तहसीलदार,  
घुमारवीं, जिला बिलासपुर (हि0 प्र0)।

व अदालत श्री प्रदीप कुमार ठाकुर (H.A.S.), उप-मण्डल दण्डाधिकारी, घुमारवीं, जिला बिलासपुर (हि0 प्र0)

श्री कृष्ण सिंह वर्मा पुत्र श्री जय राम, निवासी गांव जन्देहड़, परगना रघुन, तहसील घुमारवीं, जिला बिलासपुर (हि0 प्र0)।

वनाम

आम जनता

विषय—प्राथना-पत्र नाम दस्तवी वारे।

प्राची श्री कृष्ण सिंह वर्मा पुत्र श्री जय राम, निवासी गांव जन्देहड़, परगना रघुन, तहसील घुमारवीं, जिला बिलासपुर (हि0 प्र0) ने एक प्राथना-पत्र इस न्यायालय में प्रस्तुत करते हुये निवेदन किया है कि उसके लड़के व लड़की का नाम सेना अभिलेख में लड़के का नाम अजय वर्मा तथा लड़की का नाम अर्पणा दर्ज चला आ रहा है। जबकि

उनका सही नाम (हि0 प्र0) नकुल जिन्ना बोर्ड धर्मगाना में तथा न्यायिक अभिलेख में लड़के का नाम अजय कुमार तथा लड़की का नाम अर्पणा कुमारी दर्ज है। इसके पुष्टि हेतु प्राची ने घरना पत्रान्तुकी व नकुल परिवार रजिस्ट्र नया दोनों बोर्ड के प्रमाण-पत्र मंगलन करके प्रस्तुत कर रखी है।

अतः उप इशतहार द्वारा हर आम जनता व नाय को सूचित किया जाता है कि यदि किसी को उक्त नाम दफन करने वारे कोई उतर/एतराज हो तो वह दिनांक 12-1-2007 को घनानजन या वकालतन हाजिर आकर घरना एतराज/उतर पेश कर सकता है। इसके उपरान्त कोई एतराज/उतर नहीं चला जायगा और प्राथना-पत्र का निरादरा विषयानुसार कर दिया जावेगा।

घाज दिनांक 27-11-2006 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर। प्रदीप ठाकुर,  
उप-मण्डल दण्डाधिकारी,  
घुमारवीं, जिला बिलासपुर (हि0 प्र0)।

व अदालत तहसीलदार एवं महायक समाहर्ता प्रथम श्रेणी, डलहौजी, जिला चम्बा, हिमाचल प्रदेश

मिमल नं0 3/IX-A/06 प्रथिम पेगी 22-1-2007

श्री अमरेंद्र सिंह पुत्र श्री बन्धु व सिंह, निवासी इन्दुग, तहसील इन्दौरा, जिला कांगड़ा हान निवासी गांव व मुहान चतरयाड़ा, परगना चूड़न, तहसील डलहौजी, हिमाचल प्रदेश प्राची।

वनाम

श्री मंगल सिंह पुत्र श्री राम चन्द, निवासी झिकड़, मुहान चतरयाड़ा, तहसील डलहौजी (हि0 प्र0) व अन्य

प्राथना-पत्र नक्साम जेर धारा 123, भू-राजस्व अधिनियम, 1954 बाबत ख0 नं0 202, खाता खतीनी नं0 46/47, रकबा तादादी 4-14 बीघा, मौजा चतरयाड़ा, तहसील डलहौजी (हि0 प्र0)।

मुकद्दमा उपरोक्त में प्रतिवादीगण नं0 4 फौत हो चुका है। उनके बारनान सन्या देवी, अन्त देवी, विक्रम कुमार, बिकी, श्रीमती मन्गी देवी तस्दीक हुई है लेकिन बार-बार सनत जारी करते पर भी गमन की तस्वीर न हो पा रही है।

अतः सर्वमाधारण जनता व उपरोक्त बारनान को बजरिया इशतहार सूचित किया जाता है कि मुकद्दमा उपरोक्त की अंतिम पेगी दिनांक 22-1-2007 को, यदि किसी को कोई उतर/एतराज हो तो वह असावतन या वकालतन अदालत अर्थात्तहाजरी आकर अपना एतराज दर्ज करवा सकता है। हाजिर न आने की मूलतः एक तरफा कार्यवाही अमराने लाई जाएगी।

घाज दिनांक 4-12-2006 को मेरे हस्ताक्षर व अदालत मोहर से जारी हुआ।

मोहर। हस्ताक्षरित/-  
तहसीलदार एवं महायक समाहर्ता प्रथम श्रेणी,  
डलहौजी, जिला चम्बा, हिमाचल प्रदेश।

न्यायालय श्री मोहर सिंह चौहान (हि0 प्र0 से0), उप-मण्डल दण्डाधिकारी, भरमौर, जिला चम्बा, हिमाचल प्रदेश

श्री मदन लाल पुत्र डुनया, निवासी परली लामू, तहसील भरमौर, जिला चम्बा।

वनाम

आम जनता

प्राथना-पत्र जेर धारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

श्री मदन लाल पुत्र श्री दुमणा, निवासी धरनी नाम, तहसील भरमौर, जिला चम्बा ने इस न्यायालय में अपत्य-पत्र के साथ प्रार्थना-पत्र दिया है कि उसकी लड़की स्नेहा देवी जिसकी जन्म तिथि 10-1-2005 है, पंचायत अभिलेख तामू में दर्ज नहीं है। अब दर्ज करने द्वारा न्यायालय से अनुरोध किया है।

प्रतः इस इशतहार द्वारा सर्वसाधारण एवं ग्राम जनता को सूचित किया जाता है कि यदि उपरोक्त स्नेहा देवी का नाम व जन्म तिथि पंचायत अभिलेख में दर्ज करने द्वारा किसी को कोई उजर/एतराज हो तो वह इस इशतहार के जारी होने के एक माह के भीतर अपना उजर/एतराज प्रसागतन या बकासतन इस न्यायालय में पेश कर सकता है अन्यथा आगामी कामवाही प्रमल में लाई जाएगी।

इशतहार आज दिनांक 28-11-2006 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

मोहर सिंह चौहान,  
उप-मण्डल दण्डाधिकारी,  
भरमौर, जिला चम्बा, हिमाचल प्रदेश,।

न्यायालय श्री मोहर सिंह चौहान ((हि० प्र० सं०), उप-मण्डल दण्डाधिकारी, भरमौर, जिला चम्बा, हिमाचल प्रदेश

श्री धर्म चन्द पुत्र श्री दसोरी, निवासी गांव मलकौता, तहसील भरमौर, जिला चम्बा, हिमाचल प्रदेश ने इस न्यायालय में अपत्य-पत्र सहित प्रार्थना-पत्र दिया है कि उसकी लड़की मुष्मा देवी जिसकी जन्म तिथि 18-12-2001 है, पंचायत अभिलेख सचई में दर्ज नहीं है। अब दर्ज करने द्वारा न्यायालय से अनुरोध किया है।

वनाम

ग्राम जनता

प्रार्थना-पत्र जेरे धारा 13(3) जम एवं मृत्यु पंजीकरण अधिनियम, 1969.

श्री धर्म चन्द पुत्र श्री दसोरी, निवासी गांव मलकौता, तहसील भरमौर, जिला चम्बा, हिमाचल प्रदेश ने इस न्यायालय में अपत्य-पत्र सहित प्रार्थना-पत्र दिया है कि उसकी लड़की मुष्मा देवी जिसकी जन्म तिथि 18-12-2001 है, पंचायत अभिलेख सचई में दर्ज नहीं है। अब दर्ज करने द्वारा न्यायालय से अनुरोध किया है।

प्रतः इस इशतहार द्वारा सर्वसाधारण एवं ग्राम जनता को सूचित किया जाता है कि यदि उपरोक्त मुष्मा देवी का नाम व जन्म तिथि पंचायत अभिलेख में दर्ज करने द्वारा किसी को कोई उजर या एतराज हो तो वह इस इशतहार के जारी होने के एक माह के भीतर अपना उजर या एतराज प्रसागतन या बकासतन इस न्यायालय में पेश कर सकता है अन्यथा आगामी कामवाही प्रमल में लाई जाएगी।

इशतहार आज दिनांक 28-11-2006 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

मोहर सिंह चौहान,  
उप-मण्डल दण्डाधिकारी,  
भरमौर, जिला चम्बा,  
हिमाचल प्रदेश।

न्यायालय सहायक समाहर्ता द्वितीय श्रेणी, नाना, जिला हमीरपुर, हिमाचल प्रदेश

पित्र शमली पुत्री श्री राम-प सिंह निवासी नाना जनता, 310 जलाहा, तहसील नाना, जिला हमीरपुर (हि० प्र०) प्रार्थना।

वनाम

संकेतरी गी० बी० एस० ई० देहली प्रविवादी।

प्रार्थना-पत्र वास्तव पंजीकृत किए जाने आदेश दिनांक 16-11-2006 में सं० 07/2006 रजवान मिस शमली वनाम संकेतरी गी० बी० एस० ई० देहली, प्रमल दामद दर्ज रिकार्ड नाम बदली हेतु।

उपरोक्त मुकदमा के सम्बन्ध में वादिनी मिस शमली ने इस अदालत में आदेश प्रतिनिधि दिनांक 16-11-2006 दायर किया है जिसमें मिस शमली का नाम बदली करने का आदेश पारित किया है। अब उसका प्रमल दामद मिस शमली के स्कूल रिकार्ड में दर्ज होना बाकी है क्योंकि शमली का नाम पहले स्कूल रिकार्ड में शमली सेलजा सिंह परिवार है। अब उपरोक्त आदेश दिनांक 16-11-2006 के आधार पर मिस शमली किया गया है। प्रतिनिधि आदेश दिनांक 16-11-2006 बराए सबूत लगा है।

प्रतः इस इशतहार द्वारा संकेतरी गी० बी० एस० ई० देहली को सूचित किया जाता है कि इस आदेश को पंजीकृत करने बा। कोई उजर/एतराज हो तो वह दिनांक 12-1-2007 को प्रतः 10 वन इस न्यायालय में उपरोक्त आदेश बारे उजर/एतराज पेश कर सकता है। इसके बाद कोई भी उजर/एतराज काबले समागत न होगा।

आज दिनांक 11-12-2006 को मेरे हस्ताक्षर एवं मोहर कार्यालय द्वारा जारी किया गया।

मोहर।

हस्ताक्षरित/-  
सहायक समाहर्ता द्वितीय श्रेणी,  
नाना, जिला हमीरपुर (हि० प्र०)।

Order dated : 16-11-2006

In the court of Shri Karam Singh Chandhary, Assistant Collector 1st Grade, Nadaun, Distt. Hamirpur (H. P.)

Case No.	Date of Institution	Date of decision
7/2006	19-10-2006	16-11-2006

Type of case: Change of Name

Miss Shamli Shailza Singh Parihar d/o Jagrup Singh  
r/o V. P. O. Jalari, Teh. Nadaun, Distt. Hamirpur  
(H. P.) ..Applicant.

Versus

Secretary, C. B. S. E. Delhi

..Respondent.

Snb.—Application for change of name and publication in Gazette published by H. P. Govt. from Shamli Shailza Singh Parihar to Shamli.

The applicant has filed an application in the court for change of her name from Shamli Shailza Singh Parihar to Shamli.

In this regard publication was required which was later on effected in Gazette published by H. P. Govt. which is on the record. The respondent has not contested the application nor any objection have been filed.

After the perusal of record it is revealed that the name of the applicant in the school record/certificate is Shamli Shailza Singh Parihar and as averred the change of name to Shamli is correct. Looking into the facts and circumstances of the case in hand, I hereby order the change of the name of the Shamli Shailza Singh Parihar d/o Sh. Jagrup Singh, r/o V. P. O. Jalari, Teh. Nadaun, Distt. Hamirpur to Shamli d/o Sh. Jagrup Singh r/o Village & P. O. Jalari, Teh. Nadaun, District Hamirpur (H. P.).

Announced in open court on 16-11-2006.

Seal. Sd/-  
A. C. 1st Grade,  
Nadaun, District Hamirpur (H. P.).

य अदालत श्री प्रकाश चन्द आजाद, नायब तहसीलदार पालमपुर एवं पंजीकाध्यक्ष पालमपुर, जिला कांगड़ा (हि० प्र०)

य अदालत श्री आर० डी० हुरनोट, नायब तहसीलदार एवं कार्यकारी दण्डाधिकारी, तहसील धर्मशाला, जिला कांगड़ा, हिमाचल प्रदेश

मुकदमा नं०: 4/2006

पेशी तिथि : 11-12-2006

Taubien Doma

बनाम

ग्राम जनता व ग्रन्थ

मंजय कुमार पुत्र श्री साधू राम पुत्र मीकी, निवासी टाण्डा राजपुर, तहसील पालमपुर

विषय:—प्राथनापत्र जेर घाग 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

बनाम

नोटिस बनाम ग्राम जनता ।

ग्राम जनता

प्रत्यार्थी/प्रतिवादी ।

प्राथनापत्र जेर घाग 40/41 भारतीय रजिस्ट्रेशन एक्ट के अन्तर्गत धर्मीय पंजीकरण हेतु ।

मामला उपरोक्त में प्रार्थी ने दिनांक 11-9-2006 को अदालत में अपने चाचा श्री धनी राम पुत्र श्री नला राम, निवासी गांव टाण्डा की ओर पर लिखित बसीयत दिनांक 6 जुलाई, 2006 को जेर घाग 40/41 भारतीय पंजीकरण अधिनियम के अन्तर्गत पंजीकरण करने हेतु प्रस्तुत किया ।

उपरोक्त मुकदमा में प्रतिवादी को इस्तहार द्वारा सूचित किया जाता है कि वह अपनी तारीख पेशी दिनांक 10-1-2006 को प्रातः 10 बजे असातन या बकालतन उपस्थित होकर मुकदमा में कोई उजर/एतराज हो तो वह पेश करके मामला में पैरवी करे अन्यथा उसके विषय एक नरका फायवाही श्रमन में लाई जाएगी ।

आज दिनांक 20-11-2006 को मोहर अदालत एवं हस्ताक्षर से जारी हुआ ।

मोहर ।

प्रकाश चन्द आजाद,  
नायब तहसीलदार एवं पंजीकाध्यक्ष,  
पालमपुर, हिमाचल प्रदेश ।

य अदालत श्री आर० पी० मोडिल्य, तहसीलदार एवं सहायक समाहर्ता प्रथम श्रेणी, जवाली, जिला कांगड़ा, हिमाचल प्रदेश

उनवान मुकदमा

तारीख पेशी

दरस्ती

6-1-2007

श्री चैन सिंह पुत्र श्री मोती राम उर्फ छुण्कू राम, निवासी बेलियां, डाकघर कुठेहड़, तहसील जवाली, जिला कांगड़ा, हिमाचल प्रदेश वादी ।

बनाम

ग्राम जनता

विषय: राजस्व रिकार्ड में नाम की दरस्ती हेतु प्राथना-पत्र ।

श्री चैन सिंह पुत्र श्री मोती राम उर्फ छुण्कू राम, निवासी बेलियां, तहसील जवाली ने दरस्ती बारे यदि किसी व्यक्ति को कोई एतराज हो तो वह असातन या बकालतन न्यायालय में हाजिर आकर दिनांक 6-1-2007 को सुबह 10.00 बजे एतराज पेश कर सकता है अन्यथा हाजिर न आने की सूत में नाम की दरस्ती के आदेश पारित कर दिए जाएंगे ।

अतः इस इस्तहार द्वारा ग्राम जनता को सूचित किया जाता है कि उनके नाम की दरस्ती बारे यदि किसी व्यक्ति को कोई एतराज हो तो वह असातन या बकालतन न्यायालय में हाजिर आकर दिनांक 6-1-2007 को सुबह 10.00 बजे एतराज पेश कर सकता है अन्यथा हाजिर न आने की सूत में नाम की दरस्ती के आदेश पारित कर दिए जाएंगे ।

आज दिनांक 6-12-2006 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ ।

मोहर ।

आर० पी० मोडिल्य,  
तहसीलदार एवं सहायक समाहर्ता प्रथम श्रेणी,  
जवाली, जिला कांगड़ा (हि० प्र०) ।

मोहर ।

आर० डी० हुरनोट,  
नायब तहसीलदार एवं कार्यकारी दण्डाधिकारी,  
तहसील धर्मशाला, जिला कांगड़ा, हिमाचल प्रदेश ।

य अदालत श्री आर० डी० हुरनोट, नायब तहसीलदार एवं कार्यकारी दण्डाधिकारी, तहसील धर्मशाला, जिला कांगड़ा, हिमाचल प्रदेश

Sangay Dolma

बनाम

ग्राम जनता व ग्रन्थ

विषय:—प्राथनापत्र जेर घाग 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

नोटिस बनाम ग्राम जनता ।

Sangay Dolma d/o श्री Penpa, निवासी Mcleod-ganj, तहसील धर्मशाला, जिला कांगड़ा ने इस अदालत में शपथपत्र सहित मुकदमा दायर किया है कि उसके Nephew Shorab Loden की जन्म तिथि 1-1-1991 है परन्तु एम० सी० Dharamshala में उक्त तारीख पंजीकृत न हुई है। अतः उसे पंजीकृत किये जाने के आदेश दिये जायें ।

इस नोटिस के द्वारा समस्त जनता को तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी को उपरोक्त बच्चे का जन्म पंजीकृत किये जाने बारे कोई एतराज हो तो वह अपना एतराज हमारी अदालत में दिनांक 12-1-2007 को असातन या बकालतन हाजिर होकर पेश कर सकता है अन्यथा मुताबिक शपथपत्र जन्म तिथि पंजीकृत किये जाने बारे आदेश पारित कर दिए जाएंगे ।

आज दिनांक 11-12-2006 को मेरे हस्ताक्षर व मोहर अदालत द्वारा जारी किया गया ।

मोहर ।

आर० डी० हुरनोट,  
नायब तहसीलदार एवं कार्यकारी दण्डाधिकारी,  
तहसील धर्मशाला, जिला कांगड़ा, हिमाचल प्रदेश ।

ब अदायतन श्री प्रेम सिंह दुल्हा, कार्यकारी दण्डाधिकारी, तहसील सांगला, जिला किल्लौर, हिमाचल प्रदेश

वेन नं०-30-70 (रोडर) /2006.

श्रीमति कनका देवी पत्नी: मन्मथ मुलाय दन, निवासी गांव सांगला, तहसील सांगला, जिला किल्लौर (हि० प्र०) प्राची ।

बनाम

सर्वसाधारण जनता उप-मुहान सांगला प्रत्यक्षीय ।

दण्डाधिकारी के दफ्तर नं० 3 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

नोटिस :

श्रीमति कनका देवी उपरोक्त में इस घटना में एक दण्डाधिकारी के माध्यम से पंजीकरण कराया गया है कि उसकी पत्नी का जन्म तिथि 7-8-1957 है जो कि सामान्यतः सांगला में दल नदी है जो अब पंचायत पंजी में दर्ज करवाना चाहती है ।

यहां: इस दण्डाधिकारी के माध्यम से सर्वसाधारण जनता को सूचित किया जाता है कि यदि उपरोक्त जन्म तिथि सामान्यतः पंचायत में दर्ज कराने वाले किसी भी व्यक्ति को कोई पत्राज्ञा दी तो वह स्वयं या किसी प्राधिकृत एजेंट के द्वारा अपना पत्राज्ञा अदायतन में तिथि: 1-1-2007 तक प्रस्तुत कर सकता है अन्यथा अदालत का निर्णय प्रमाण में नार्ड जाकर अदायतन जन्म तिथि सामान्यतः सांगला में दर्ज करने के आदेश जारी किए जाएंगे ।

प्राप्त दिनांक 10-12-2006 को मेरे दस्तावेज व मोहर अदायतन में जारी हुआ ।

मोहर ।

प्रेम सिंह दुल्हा,  
कार्यकारी दण्डाधिकारी,  
तहसील सांगला, जिला किल्लौर (हि० प्र०) ।

ब अदायतन महायक समाप्तों प्रथम श्रेणी, तहसील व जिला कुल्लू (तहसीलदार) कुल्लू

मुद्रमा नं० 16-दी/2006

तारीख: 14-12-2006

श्री जन्म करण पुत्र श्री सावित्री राम, निवासी सोहर ढालपुर कुल्लू, कोटी ढालपुर, कोटी महाराजा, तहसील व जिला कुल्लू प्राची ।

बनाम

सर्वसाधारण

प्रत्यक्षीय ।

दण्डाधिकारी (नाम प्राची) वाहन खसरा नं० 648 विन, 648 विन खाता खसरी नं० 1 विन/2-3 वर्ष के जमाबन्दी साल 2001-2002, बागा कोटी ढालपुर, कोटी महाराजा, तहसील व जिला कुल्लू ।

मुद्रमा उगवान बागा में प्राची ने बराह दुल्हो अदायतन उरोधत प्राजा को इस दस्तावेज में प्राची-नाम प्रस्तुत किया है जिसकी मुद्रमा इस दस्तावेज द्वारा की जाती है और आपकी उपस्थिति मुद्रमा दुल्हो में आवश्यक है । यहाँ: सर्वसाधारण को सूचित किया जाता है कि मुद्रमा की परती हेतु अदायतन या वकालत दिनांक 16-1-2007 को अग्रहस्त-धारी के माध्यम से उपस्थित आने । उदाहरण न जाने की मूल में आपके विरुद्ध कार्यवाही अदालत प्रमाण में नार्ड जाकर मुद्रमा से नियमानुसार कार्यवाही की जायेगी ।

प्राप्त दिनांक 10-12-2006 को मेरे दस्तावेज व मोहर अदायतन में जारी हुआ ।

माध्य ।

दण्डाधिकारी/  
महायक समाप्तों प्रथम श्रेणी,  
कुल्लू, तहसील व जिला कुल्लू, हिमाचल प्रदेश ।

कार्यालय मैरिज ऑफिसर अदर स्पेशल मैरिज ऐक्ट, 1954 एवम् उप-मण्डल मैरिज ऐक्ट, मनाली, जिला कुल्लू, हिमाचल प्रदेश

1. Papu alias Vijay Kumar पुत्र श्री Rana Lal, निवासी Karpal, Tehsil Udaypur, District Lahaul-Spiti, H. P.

2. Dorj Dolma पुत्री श्री Funchong Dorj, R/o V. & P. O. Hurling, Tehsil Kaza, District Lahaul-Spiti, H. P.

बनाम

ग्राम जनता

विषय: — इस्तहार वाहन शादी पंजीकरण बारे ।

उपरोक्त आवेदकों ने मेरे सम्मुख आवेदन-पत्र प्रस्तुत किया है कि उन्होंने आपस में विवाह कर लिया है । जिसे वह पंजीकृत करवाना चाहते हैं ।

इसलिए मैं, विनय सिंह, हिमाचल प्रशासनिक सेवा, मैरिज ऑफिसर अदर स्पेशल मैरिज ऐक्ट, 1954 एवं उप मण्डल मैरिज ऐक्ट मनाली, जिला कुल्लू, हिमाचल प्रदेश विशेष विवाह अधिनियम, 1954 की धारा 16 में प्रदत्त शक्तियों का प्रयोग करते हुये यह घोषणा करता हूँ कि यदि किसी व्यक्ति को इस विवाह के पंजीकरण करवाने बारे कोई आपत्ति हो तो वह मेरे कार्यालय में किसी भी कार्य दिवस में आकर या दिनांक 26-1-2007 को अदायतन या पालतन हॉल में होकर अपनी आपत्ति दर्ज करवा सकता है अन्यथा उक्त विवाह नियमानुसार पंजीकृत कर दिया जायेगा ।

प्राप्त दिनांक 11-12-2006 को मेरे दस्तावेज व कार्यालय मोहर से जारी हुआ ।

मोहर ।

विनय सिंह,  
मैरिज ऑफिसर एवं उप मण्डल मैरिज ऐक्ट,  
मनाली, जिला कुल्लू (हि० प्र०) ।

कार्यालय मैरिज ऑफिसर अदर स्पेशल मैरिज ऐक्ट, 1954 एवं उप मण्डल मैरिज ऐक्ट, मनाली, जिला कुल्लू, हिमाचल प्रदेश

1. Rinzin Namgyal पुत्र श्री Gendun Jinpa (I.C. No. 649776), निवासी Tibetan Colony Dekyiling, Vill. Samahan, P.O. & Tehsil Manali, District Kullu (H. P.).

2. Miss. Sonam Dickey पुत्री श्री Ngawang Phuntsok (I.C. No. 035576) INS A 055-715-070, निवासी 2316, Greenbrier Charlottesville (V. A.), 22901, U.S.A. Present c/o Tibetan Colony Dekyiling, Vill. Samahan, P.O. & Teh. Manali, District Kullu (H. P.).

बनाम

ग्राम जनता

विषय: — इस्तहार वाहन शादी पंजीकरण बारे ।

उपरोक्त आवेदकों ने मेरे सम्मुख आवेदन-पत्र प्रस्तुत किया है कि उन्होंने आपस में विवाह कर लिया है जिसे वह पंजीकृत करवाना चाहते हैं ।

इसलिए मैं, विनय सिंह, हिमाचल प्रशासनिक सेवा, मैरिज ऑफिसर अदर स्पेशल मैरिज ऐक्ट, 1954 एवं उप-मण्डल मैरिज ऐक्ट, मनाली, जिला कुल्लू, हिमाचल प्रदेश विशेष विवाह अधिनियम, 1954 की धारा 16 में प्रदत्त शक्तियों का प्रयोग करते हुये यह घोषणा करता हूँ कि यदि किसी व्यक्ति को इस विवाह के पंजीकरण बारे कोई आपत्ति हो तो वह मेरे कार्यालय में किसी भी कार्य दिवस में

आकर आ दिनांक 19-1-2007 को अमानतन या अकालतन हाजिर होकर अपनी आपत्ति दर्ज करवा सकता है अन्यथा उक्त विवाह नियमानुसार पंजीकृत कर दिया जायेगा।

आज दिनांक 6-12-2006 को मेरे हस्ताक्षर व कार्यालय मोहर से जारी हुआ।

मोहर।

विनय मित्र,  
मेरिज आफिसर एवं उप-मण्डल मैजिस्ट्रेट,  
मनाली, जिला कुल्लू, हिमाचल प्रदेश।

व अदालत श्री महेश चन्द भारद्वाज, (हि० प्र० नं०), उप-मण्डल दण्डाधिकारी उदयपुर, जिला साहीन स्थिति, हिमाचल प्रदेश

श्रीमती गुलाबी पत्नी श्री पन्ना लाल, गांव तिन्दी, उप तहसील उदयपुर, जिला साहीन स्थिति।

बनाम

ग्राम जनता

विषय:- प्रायश्चात जेर धारा 13(3) ग्राम एवं न्याय पंचायत अधिनियम, 1969.

नोटिस बनाम ग्राम जनता।

श्रीमती गुलाबी पत्नी श्री पन्ना लाल, गांव तिन्दी, उप-तहसील उदयपुर, जिला साहीन स्थिति, हिमाचल प्रदेश ने एक आवेदन-पत्र ग्रामपंचायत सहित इस कार्यालय में प्रस्तुत किया है, जिस में उसने उल्लेख किया है कि प्रायश्चित्त का उसके पति के साथ दिनांक 11-5-2001 को एक एकी मर पैदा हुई है जो कि प्रायश्चित्त की छठी सलाह है। प्रायश्चित्त का पति अमर वामार रहने व चिकित्सा के लिए कुल्लू रहने की वजह से अपनी पुत्री मर का नाम पंचायत अभिलेख तिन्दी में समय पर दर्ज नहीं करवा सकी। अब प्रायश्चित्त अपनी पुत्री का नाम पंचायत अभिलेख में दर्ज करवाना चाहती है।

प्रतः इस नोटिस द्वारा ग्राम जनता एवं सम्स्त रिक्वेस्टों को सूचित किया जाता है कि यदि किसी को भी उपरोक्त श्रीमती गुलाबी की नटकी का नाम पंचायत अभिलेख तिन्दी में दर्ज करने में कोई आपत्ति एवं उजर हो तो वे दिनांक 20-1-2007 तक इस कार्यालय में आकर अपना उजर प्रस्तुत कर सकता है अन्यथा न्यायिक ग्रामपंचायत गुलाबी की पुत्री मर का नाम पंचायत अभिलेख में दर्ज करने का आदेश परित कर दिया जाएगा।

आज दिनांक 4-12-2006 को हमारे हस्ताक्षर व मोहर अदालत से जारी किया गया।

मोहर।

महेश चन्द भारद्वाज,  
उप-मण्डल दण्डाधिकारी,  
उदयपुर, जिला साहीन स्थिति, हिमाचल प्रदेश।

न्यायालय श्री सुरेन्द्र कुमार कोण्डल, सहायक समाहर्ता प्रथम श्रेणी एवं भूमि सुधार अधिकारी, सरकाघाट, जिला मण्डी, हिमाचल प्रदेश

य मुकदमा :

श्री रमा पुत्र श्री रखा, निवासी चुड़ू, इलाका सुरागा, तहसील सरकाघाट, जिला मण्डी, हिमाचल प्रदेश

बनाम

1. ग्राम जनता।

2. श्री हंसा पुत्र श्री रखा, श्रीमती दुहों, मोम, कला पुत्री रखा अमरनाथ पुत्र व श्रीमती सोमा पुत्री दुर्गा, निवासी चुड़ू, इलाका सुरागा, तहसील सरकाघाट, जिला मण्डी, हिमाचल प्रदेश

... तरतीबी फरीकदोयम।

विषय:- प्रायश्चात जेर धारा दस्तवी राजस्व अभिलेख।

मुकदमा उपरोक्त में प्राची श्री रमा पुत्र श्री रखा ने इस न्यायालय में प्रायश्चात सहित निरासरी प्रस्तुत किया है परन्तु फरीकदोयम तरतीबी फरीकदोयम को साधारण रूप से समन को तामीन नहीं की पा रही है। इस अदालत को भी विश्वास हो चुका है कि फरीकदोयम उपरोक्त को समन तामीन साधारण रूप से होना चाहिए है।

आज फरीकदोयम उपरोक्त को बतौरिया इन्तजार अदालती मुजिब किया जाता है कि वे अमानतन या अकालतन दिनांक 16-1-2007 को प्रातः 10-00 बजे इस न्यायालय में उपस्थित होकर पंचायत मुकदमा करें। अन्यथा एक पक्षीय कार्यवाही अमान में लाई जावेगी।

आज दिनांक 11-12-2006 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

सुरेन्द्र कुमार कोण्डल,  
सहायक समाहर्ता प्रथम श्रेणी,  
भूमि सुधार अधिकारी,  
सरकाघाट, जिला मण्डी, हिमाचल प्रदेश।

व अदालत सहायक समाहर्ता प्रथम श्रेणी, सरकाघाट, जिला मण्डी, हिमाचल प्रदेश

मुकदमा शीर्षक :

श्री बरसा पुत्र श्री साहगू, निवासी परनोह, इलाका अडोहना, तहसील सरकाघाट, जिला मण्डी, हिमाचल प्रदेश

बनाम

श्री अमर चन्द, मोलक राम, नरेश कुमार पुत्र व उमिता देवी पुत्री व सनेहक देवी विधवा काशी राम, परमा राम पुत्र नन्दू, सुख राम, अचर सिंह पुत्र शिवू व बालक राम पुत्र नरेश, रमा, धनू पुत्र छांगू, सत्या देवी पुत्री शिवू, निका, नयू पुत्र व शक्ती, सोमा, बिलला पुत्रिया कलावती विधवा साहगू, सत्यन कुमार, मदन लाल पुत्र व उमिता देवी, मतोपी देवी पुत्री रम उर्फ भागीरथ व रतन सिंह पुत्र महन्त, सभी निवासी परनोह, इलाका अडोहना, तहसील सरकाघाट, जिला मण्डी, हिमाचल प्रदेश

श्री नरेश पुत्र मंगनू, सुन्दर पुत्र कनिया, निवासीगण परनोह, इलाका अडोहना, तहसील सरकाघाट, जिला मण्डी, हिमाचल प्रदेश

विषय:- प्रायश्चात अधिन धारा 123 भू-राजस्व अधिनियम, 1954 तरतीबी भूमि।

प्राची ने इस न्यायालय में प्रायश्चात-पत्र तकसीम इस आशय प्रस्तुत किया है कि राजस्व अभिलेख में प्राची का खाता खतीरी नम्बर 18/24 ता 31/1, कित्ता 90, रकबा तादादी 4-32-99 हेक्टेयर स्थित महान परनोह/389 में मुख्यका मानकाल कायजात मान में दर्ज है। प्राची अपना खाता अलग करवाना चाहता है। फरीक दोयम को इस न्यायालय द्वारा कई धर समन जारी गये परन्तु उनको तामीन साधारण तरीके से नहीं हो पा रही है। अब अदालत को पूर्ण विश्वास हो गया है कि फरीक दोयम को साधारण तरीके से तामीन नहीं हो सकती। अतः फरीक दोयम को इस इन्तजार द्वारा सूचित किया जाना है कि वह दिनांक 20-1-2007 को प्रातः दन बजे अमानतन या अकालतन हाजर आकर पंचायत मुकदमा करें। गैर हाजरी को सूत्र में कार्यवाही एकपक्षीय अमान में लाई जावेगी।

आज दिनांक 5-12-2006 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित/-  
सहायक समाहर्ता प्रथम श्रेणी,  
सरकाघाट, जिला मण्डी (हि० प्र०)।



ब अदालत महायुक्त न्यायाधीश प्रथम श्रेणी, सरकापाट, जिला मण्डो, हिमाचल प्रदेश

मुकद्दमा नोंपक :

श्री अमर सिंह पुत्र गुनिया, निवासी छाव, ईलाका कमलाह, तहसील सरकापाट, जिला मण्डो, हिमाचल प्रदेश

बनाम

श्री बालक राम, दलेश सिंह, चन्द्रमणी पुत्र व श्रीमती ज्योती देवी, कुष्णा देवी पुत्रियों व स्वामी देवी विधवा चौधरी पुत्र गुनिया, भादुर पुत्र गुनिया, दलेश पुत्र रूप लाल, रेलु पुत्र सुन्दर, निवासी मणछाव, रेलु, ब्रह्म, अविधा पुत्र मन्तु, अच्छर, हरिया, निवासी पुत्र व गल्ली पुत्री दास, कागडीया, गैर पुत्र कहन, हरभज, बलिया पुत्र दूंगू व कमला देवी पत्नी। धनीराम पुत्र बलिया, निवासीमण चनोता, ईलाका कमलाह, तहसील सरकापाट, जिला मण्डो, हिमाचल प्रदेश

विषय:—प्रार्थना-पत्र तत्कालीन अधीन धारा 123 मू-राजस्व अधिनियम, 1954 तत्कालीन क्रम है।

प्राथमी ने इस न्यायालय में प्रार्थना-पत्र तत्कालीन इस आशय से प्रस्तुत किया है कि राजस्व अधिनियम में प्राथमी का खाता खतीनी नम्बर 78/130 ता 340, किता 53, रकबा तावती 0-91-38 हेक्टर, बाका मुहाल चनोता/147 में, मुहालका गानकान कागजात माल में दर्ज है। प्राथमी अपना खाता अलग करवाना चाहता है। फरीकदोयम को इस न्यायालय द्वारा कई बार समन जारी किये गये परन्तु साधारण तरीके से समन की तामील नहीं हो पा रही है। अब अदालत को पूर्ण विश्वास हो गया है कि साधारण तरीके से तामील नहीं हो सकती। अतः फरीकदोयम को इस इस्तहार द्वारा सूचित किया जाता है कि वह दिनांक 20-1-2007 को अमानतन या बकालतन हाजिर आकर पेशी मुकद्दमा करें। गैर हाजरी की सूत में कार्यवाही एक पक्षीय अमली में लाई जावेगी।

आज दिनांक 4-12-2006 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित/-

सहायक समाहर्ता प्रथम श्रेणी, सरकापाट, जिला मण्डो (हि0 प्र0)।

ब अदालत महायुक्त समाहर्ता प्रथम श्रेणी, सरकापाट, जिला मण्डो, हिमाचल प्रदेश

मुकद्दमा नोंपक :

श्री अमर सिंह पुत्र गुनिया, निवासी छाव, ईलाका कमलाह, तहसील सरकापाट, जिला मण्डो, हिमाचल प्रदेश

बनाम

श्री बालक राम, दलेश सिंह, चन्द्रमणी पुत्र व श्रीमती देवी, कुष्णा देवी पुत्रों व स्वामी देवी विधवा चौधरी भादुर पुत्र गुनिया पुत्र गोदा व बलदेव पुत्र रूप लाल व परमाणा देवी पुत्री माहना पुत्र गुनिया, रेलु पुत्र सुन्दर, निवासीमण छाव, रेलु, ब्रह्म, अविधा पुत्र मन्तु, अच्छर, हरिया, निवासी पुत्र व गल्ली पुत्री दास, कागडीया गैर पुत्र कहन, हरभज, बलिया पुत्र दूंगू, निवासीमण चनोता, ईलाका कमलाह, तहसील सरकापाट, जिला मण्डो, हिमाचल प्रदेश

विषय:—प्रार्थना-पत्र तत्कालीन अधीन धारा 123 मू-राजस्व अधिनियम 1954 तत्कालीन क्रम है।

प्राथमी ने इस न्यायालय में प्रार्थना-पत्र तत्कालीन इस आशय से प्रस्तुत किया है कि राजस्व अधिनियम में प्राथमी का खाता

खतीनी नम्बर 79/41, नम्बर खसरा 1115 रकबा तावती 0-11-92 हेक्टर, बाका मुहाल चनोता/147 में मुहालका मालकान कागजात माल में दर्ज है। प्राथमी अपना खाता अलग करवाना चाहता है। फरीकदोयम को इस न्यायालय द्वारा कई बार समन जारी किये गये परन्तु साधारण तरीके से समन की तामील नहीं हो पा रही है। अब अदालत को पूर्ण विश्वास हो गया है कि फरीकदोयम को साधारण तरीके से तामील नहीं हो पा सकती। अतः फरीकदोयम को इस इस्तहार द्वारा सूचित किया जाता है कि वह दिनांक 20-1-2007 को अमानतन या बकालतन हाजिर आकर पेशी मुकद्दमा करें गैर हाजरी की सूत में कार्यवाही एक पक्षीय अमली में लाई जावेगी।

आज दिनांक 4-12-2006 को हमारे हस्ताक्षर व मोहर अदालत से जारी किया गया।

मोहर।

हस्ताक्षरित/-

सहायक समाहर्ता प्रथम श्रेणी, सरकापाट, जिला मण्डो (हि0 प्र0)।

ब न्यायालय सहायक समाहर्ता प्रथम श्रेणी सरकापाट, जिला मण्डो, हिमाचल प्रदेश

मुकद्दमा नोंपक :

श्री रतन चन्द पुत्र श्री सम्पका राम, निवासी चुहुकु, डाकघर पोता, तहसील सरकापाट, जिला मण्डो, हिमाचल प्रदेश

बनाम

आम जनता

फरीकदोयम।

विषय:—नाम दस्तु

श्री रतन चन्द पुत्र श्री सम्पका राम, निवासी चुहुकु, डाकघर पोता, तहसील सरकापाट, जिला मण्डो ने इस न्यायालय में प्रार्थना-पत्र पेश किया है कि उसका सही नाम रतन चन्द है। परन्तु राजस्व रिकार्ड चुहुकु में गलती से उसका नाम सुरज कुमार दर्ज है।

अतः आम जनता को इस्तहार द्वारा सूचित किया जाता है कि यदि किसी व्यक्ति को उस नाम दस्तु बारे कोई एतराज हो तो वह अमानतन या बकालतन दिनांक 20-1-2007 को आतः दस बजे पेश कर सकते हैं। गैर हाजरी की सूत में कार्यवाही एकपक्षीय अमली में लाई जावेगी।

आज दिनांक 4-12-2006 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित/-

सहायक समाहर्ता, प्रथम श्रेणी, सरकापाट, जिला मण्डो, हिमाचल प्रदेश।

ब अदालत सहायक समाहर्ता प्रथम श्रेणी, सरकापाट, जिला मण्डो, हिमाचल प्रदेश

मुकद्दमा नोंपक :

श्री पंजका राम पुत्र श्री गुर भगत, निवासी कलाह, तहसील सरकापाट, जिला मण्डो (हि0 प्र0)

बनाम

आम जनता

फरीकदोयम।

प्रार्थना-पत्र जेर धारा 13(3) जन्म एवं मृत्यु पञ्जीकरण अधिनियम, 1969.

उपरोक्त प्राथमी श्री पंजका राम ने इस न्यायालय में प्रार्थना-पत्र अधीन धारा 13(3) पेश किया है कि उसकी माता श्रीमती डेकी

देवी पत्नी गुरुभगव, गांव जन्देरही, बाकपर सधारे की दिनांक 15-12-1982 को मृत्यु हो गई थी। जिसे पंचायत रिकार्ड में दर्ज नहीं करवाया गया है।

अतः प्रथम जनता को इस इशतहार द्वारा सूचित किया जाता है कि उक्त निधि पंचायत रिकार्ड में दर्ज करने वाले किसी को कोई उधार या एतराज हो तो वह दिनांक 18-1-2007 को प्रातः दस बजे इस न्यायालय में प्रस्तुत करें। अन्यथा उक्त निधि दर्ज करने के प्रादेश जारी कर दिये जायेंगे।

आज दिनांक 1-12-2006 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित/-

सहायक ममाहर्ता,  
प्रथम श्रेणी सरकाराष्ट, जिला मण्डी, हिमाचल प्रदेश।

ब अदालत सहायक ममाहर्ता प्रथम श्रेणी सरकाराष्ट, जिला मण्डी, हिमाचल प्रदेश

मुकद्मा शीर्षक:

श्री सदीप कुमार, कमलेश पुत्र व शकुन्ताला, मुथना, नता पुत्रियां व नीला विधवा ध्रुव बरागी, निवासीगण मैडवाड, ईलाका भदरोता, तहसील सरकाराष्ट, जिला मण्डी (हि 0 प्र 0) फरीक अन्वत।

बनाम

श्री गिव राम, मुन्सी राम पुत्र व सुरज विधवा गोकल पुत्र मोहडा व बालम, नरानर पुत्र व मेन्ती पुत्री व हरज विधवा भाग व नेख राज, मुरेण, कालाल, हरज पुत्र व लज्जा पुत्री गिन्क पुत्र जवाहर व शोभा पुत्र जवाहर पुत्र भालम, निवासीगण सल्याणी व सोहन लाल पुत्र हरमज पुत्र राम दास, निवासी बलहोग, ईलाका भदरोता, तहसील सरकाराष्ट, जिला मण्डी (हि 0 प्र 0) फरीक अन्वत।

विषय.—प्राथना-पत्र तकसीम अधिन धारा 123, राजस्व अधिनियम, 1954 तकसीम भूमि।

प्राथी ने इस न्यायालय में प्राथना-पत्र तकसीम इस आशय से प्रस्तुत किया कि राजस्व अधिनियम में प्राथी का मूना खतौनी नम्बर 65/72, ता 73, किता 9, रकबा तादादी 0-41-09 है 0 स्थित 50 सल्याणी, ईलाका भदरोता में नृशत्रका मानकाल कागजात मात में दर्ज है। प्राथी अपना खतः अलग करवाना चाहता है। फरीकदोयम को इस न्यायालय द्वारा कई बार समन जारी किये गये। परन्तु उनकी तामील साधारण तरीके से नहीं हो पा रही है। पक्ष अदालत को पूर्ण विश्वास हो गया है कि समन की तामील साधारण तरीके से नहीं हो पा रही है। अतः फरीकदोयम को इस्तहार द्वारा सूचित किया जाता है कि वह दिनांक 20-1-2007 को प्रातः दस बजे अमानतन या बकालतन हाजिर आकर पैरवी मुकद्मा करें। गैर हाजरी की सूरत में कार्यवाही एकपक्षीय अन्वत में लाई जायेगी।

आज दिनांक 2-12-2006 को हमारे हस्ताक्षर व मोहर अदालतन से जारी हुआ।

मोहर।

हस्ताक्षरित/-

सहायक ममाहर्ता प्रथम श्रेणी सरकाराष्ट, जिला मण्डी, हिमाचल प्रदेश।

ब अदालत सहायक ममाहर्ता प्रथम श्रेणी, सरकाराष्ट, जिला मण्डी, हिमाचल प्रदेश

मुकद्मा शीर्षक:

श्री ब गी पुत्र श्री सहणू, निवासी परनोह, ईलाका भदरोता, तहसील सरकाराष्ट, जिला मण्डी, हिमाचल प्रदेश

फरीक अन्वत।

बनाम

श्री मन्वी अमर चन्द, मोलक राम, नरेश कुमार पुत्र व उमिला देवी पुत्री व सनहल देवी विधवा कांशो राम, परमा पुत्र नन्दू,

मुख राम, अन्धर गिह पुत्र गिव, बालक राम पुत्र नरेश, अनाधन पुत्र छानू, मया देवी पुत्री जिव, निता, नरेश पुत्र व अनाधन, सोमा, विमला पुत्रियां व लावली विधवा साहणू, संजय कुमार, मदन लाल पुत्र व उमिला देवी पुत्री व मन्तागी देवी पुत्री रम लई भागीरथ, निवासी परनोह, ईलाका भदरोता, तहसील सरकाराष्ट, जिला मण्डी, हिमाचल प्रदेश फरीक दोयम।

श्री सुन्दर पुत्र कनिया, रेशम विधवा रोडू, हेम राज पुत्र नरेश, रसु, शेर पुत्र भगत, कम सिंह, हेम राज पुत्र चन्द नभो निवासी परनोह, ईलाका भदरोता, तहसील सरकाराष्ट, जिला मण्डी, हिमाचल प्रदेश।

विषय.—तकसीम खाता/खतौनी नं 0 20/38 ता 48 किता 137 रकबा तादादी 1-77-81 है 0 स्थित मुहान परनोह है।

प्राथी ने इस न्यायालय में प्राथना-पत्र तकसीम इस आशय से प्रस्तुत किया है कि राजस्व अधिनियम में प्राथी का खाता खतौनी नम्बर 20/38 ता 48, किता 137 रकबा तादादी 1-77-81 है 0 स्थित मुहान परनोह में मृशत्रका मानकाल कागजात मात में दर्ज है। प्राथी अपना खाता अलग करवाना चाहता है। फरीकदोयम को इस न्यायालय द्वारा कई बार समन जारी किये गये परन्तु साधारण तरीके से समन को तामील नहीं हो पा रहा है। अतः अदालत को पूर्ण विश्वास हो गया है कि फरीकदोयम की साधारण तरीके से तामील नहीं हो सकती।

अतः फरीकदोयम को इस इशतहार द्वारा सूचित किया जाता है कि वे दिनांक 20-1-2007 को अदालतन या बकालतन हाजिर आकर पैरवी मुकद्मा करें। गैर-हाजरी की सूरत में कार्यवाही एकपक्षीय अन्वत में लाई जायेगी।

आज दिनांक 5-12-2006 को हमारे हस्ताक्षर व मोहर अदालतन से जारी हुआ।

मोहर।

हस्ताक्षरित/-

सहायक ममाहर्ता प्रथम श्रेणी, सरकाराष्ट, जिला मण्डी, हिमाचल प्रदेश।

ब अदालत सहायक ममाहर्ता प्रथम श्रेणी, सरकाराष्ट, जिला मण्डी, हिमाचल प्रदेश

मुकद्मा शीर्षक:

श्री बक्शी पुत्र श्री साहणू पुत्र श्री लोहका, गांव परनोह, ईलाका भदरोता, तहसील सरकाराष्ट, जिला मण्डी, हिमाचल प्रदेश

फरीक अन्वत।

बनाम

मन्वी/श्रीमती निक्का, नरू पुत्र व शक्ती, मोमा, विमला पुत्रियां व कलावती विधवा साहणू, संजय कुमार, मदन लाल पुत्र व उमिला देवी पुत्री व मन्तागी देवी पुत्री रम लई भागीरथ निवासीगण परनोह, ईलाका भदरोता, तहसील सरकाराष्ट, जिला मण्डी, हिमाचल प्रदेश फरीक दोयम।

विषय.—प्राथना-पत्र तकसीम अधिन धारा 123 भ-राजस्व अधिनियम, 1954 तकसीम भूमि हेतु।

प्राथी ने इस न्यायालय में प्राथना-पत्र तकसीम इस आशय से प्रस्तुत किया है कि राजस्व अधिनियम में प्राथी का खाता खतौनी नम्बर 11/17, किता 11, रकबा तादादी 0-67-11 है 0 स्थित मुहान परनोह/389 में मृशत्रका मानकाल कागजात मात में दर्ज है। प्राथी अपना खाता अलग करवाना चाहता है। फरीकदोयम को इस न्यायालय द्वारा कई बार समन जारी किये गये परन्तु उनकी तामील साधारण तरीके से नहीं हो पा रही है। पक्ष अदालत को पूर्ण विश्वास हो गया है कि फरीकदोयम की साधारण तरीके से तामील नहीं हो सकती।

अतः फरीकदोयम को इस इशतहार द्वारा सूचित किया जाता है कि वे दिनांक 20-1-2007 को प्रातः 10.00 बजे अदालतन

ग्राम जनता

विषय—श्री राजस्व कागजात में नाम दर्शनी वारे प्रार्थना-पत्र।

श्री जय सिंह पुत्र रव0 श्री चुनी लाल, निवासी कगामल, डाकखाना बोंचिंग, तहसील पधर, जिला मण्डो, हिमाचल प्रदेश ने इस अदालत में प्रार्थना-पत्र मय प्रमाण-पत्र सहित गुजारा है जिसमें प्रार्थना की है कि उसके पिता का नाम पंचायत रिकार्ड में श्री चुनी लाल दर्ज है जो सही है। लेकिन परिवार के किसी सदस्य ने गतवर्ष पिता की विरासत दर्ज करवाने समय उनका नाम गृहदा दर्ज करवाया है जो कि गलत है उनका सही नाम चुनी लाल है। प्रार्थी ने इस तहसील के सम्बन्धित राजस्व अभिलेख में उनके पिता का सही नाम चुनी लाल दर्ज करने के लिखित आदेश पारित करने की प्रार्थना की है।

अतः इस इशतहार द्वारा ग्राम जनता व सम्बन्धित संस्थान को सूचित किया जाता है कि यदि किसी भी व्यक्ति को उपरोक्त नाम दर्शत करवाने वारा कोई एतराज हो तो वह अनागतन या वकालतन दिनांक 11-1-2007 को प्रातः मध्य 10.00 बजे इस अदालत में पेश करें। उपस्थित न होने की सुलत में कार्यवाही एकपक्षीय अमल में लाई जाकर प्रार्थना-पत्र पर यदोचित आदेश पारित कर दिए जाएंगे।

प्राज दिनांक .....को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर। हरि सिंह ठाकुर,  
सहायक समाहर्ता द्वितीय श्रेणी,  
तहसील पधर, जिला मण्डो,  
हिमाचल प्रदेश।

व अदालत श्री मान सिंह, सहायक समाहर्ता प्रथम श्रेणी, मुन्नी, जिला गिमना, हिमाचल प्रदेश

वाद संख्या : 6/XII-A/06 नारीक मरजुमा : 30-11-2006

श्री देवेन्द्र कुमार बनान ग्राम जनता

बरखास्त बराए दर्शनी नाम।

हरग्राह खास व आम को बबरिया नोटित सूचित किया जाता है कि श्री देवेन्द्र कुमार पुत्र श्री कुला राम पुत्र श्री जाल सिंह, मौजा बनना, परगना सराज, तहसील मुन्नी, जिला गिमना, हिमाचल प्रदेश ने इस न्यायालय में प्रार्थना-पत्र गुजारा कर अभिप्रेषण किया है कि उनका नाम राजस्व रिकार्ड व पंचायत रिकार्ड में देवेन्द्र सिंह है जो कि गलत है परन्तु स्कूल प्रमाण-पत्र व सेवा पंजिका में नाम देवेन्द्र कुमार दर्ज है जो कि सही व सत्य है। उन्होंने उसे ठीक करने के लिए प्रार्थना-पत्र प्रस्तुत किया है।

अतः इस प्रार्थना-पत्र वारे ग्राम जनता को सूचित किया जाता है कि यदि किसी व्यक्ति को नाम दर्शत करने में कोई आपत्ति हो तो वह अपनी आपत्ति लिखित रूप में दिनांक 16-1-2007 मयवा इमने पूर्व इस न्यायालय को प्रस्तुत करें। तदोपरान्त कोई आपत्ति मान्य नहीं होगी।

प्राज दिनांक 2-12-2006 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर। मान सिंह,  
सहायक समाहर्ता प्रथम श्रेणी,  
मुन्नी, जिला गिमना (हि0 प्र0)।

व अदालत श्री के0 एस0 लालदा, कार्यकारी दण्डाधिकारी, नाहन जिला मिरमोर, हिमाचल प्रदेश

मिसल नम्बर : 42/06.

जनवान मुहम्मा :

श्री कल्याण सिंह पुत्र श्री जयवल मिश्र, निवासी जगना भूड, तहसील नाहन।

बनाम

ग्राम जनता

प्रार्थना-पत्र नंबर 13 (3) जन्म एवं मृत्यु रजिस्ट्रीकरण अधिनियम, 1969.

इस अदालत में श्री कल्याण सिंह प्रार्थी ने एक नातिव प्रस्तुत की है कि उसकी पुत्री कु0 नन्दनी को जन्म तिथि 4-2-2005 है जो कि ग्राम पंचायत वार्मा पाण्डे के कार्यालय में दर्ज नहीं है। इस वारे ग्राम पंचायत एवं विकास अधिकारी वार्मा पाण्डे ने रिपोर्ट प्रान्त की गई कि उपरोक्त जन्म तिथि उनके कार्यालय में दर्ज नहीं है।

अतः बबरिया इशतहार सपल ग्राम जनता ग्राम पंचायत वार्मा पाण्डे व प्रार्थी के रिशेदारों को सूचित किया जाता है कि उक्त कु0 नन्दनी को जन्म तिथि दर्ज होने वारे कोई उजर व एतराज हो तो वह अनागतन या वकालतन अपना उजर व एतराज दिनांक 20-1-2007 को प्रातः 10.00 बजे प्रस्तुत कर सकता है। यदि गुजरने निगदा तारीख कोई भी उजर व एतराज कायिने समाप्त नहीं होगा तथा प्रकरण में अन्तिम आदेश पारित कर दिए जाएंगे।

प्राज दिनांक 14-12-2006 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

के0 एस0 लालदा,  
कार्यकारी दण्डाधिकारी,  
नाहन, जिला मिरमोर (हि0 प्र0)।

व अदालत समाहर्ता उप-मण्डल पांढरा साहिब, जिला मिरमोर, हिमाचल प्रदेश

जनवान मुहम्मा :

मदन लाल

बनाम

उपा देवी आदि

जेर धारा तकसीम शरीफ।

जनवान मुहम्मा श्री मदन लाल बनाम उपा देवी आदि शरीफ लाल ने प्रार्थी के अधिवक्ता द्वारा अदालत ने निवेदन किया है कि उक्त मुहम्मा में प्रतिवादी नं0 5 श्री गणू उर्फ सीधु कुमार पुत्र श्री राम नाथ, निवासी मिरमोरा, तहसील पांढरा साहिब, जिला मिरमोर, हिमाचल प्रदेश गुमगुदा बताया गया है जिसकी तारीख माघाश्रम नौर पर नहीं की जा सकती है।

अतः बबरिया इशतहार प्रतिवादी नम्बर 5 व ग्राम जनता को इन्तहा दी जाती है कि मुहम्मा अनागतन में अनागतन या वकालतन मिति 15-1-2007 को हाजिर अदालत आकर मुहम्मा की रीवी करें। बसूरा प्रकरण इशतहार के धगर प्रतिवादी नम्बर 5 हाजिर अदालत न हुआ तो उसके विरुद्ध नियमानुसार कार्यवाही एकतरफा अमल में लाई जाकर ग्रामामी कार्यवाही नियमानुसार पूर्ण कर दी जाएगी तथा प्रतिवादी नम्बर 5 व अन्य किसी भी अद्वय का कोई भी एतराज कायिने समाप्त न होगा।

प्राज दिनांक 23-10-2006 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित/-  
समाहर्ता,

उप-मण्डल पांढरा साहिब, जिला मिरमोर, हिमाचल प्रदेश।

व प्रदात श्री जगत राम शर्मा, नायब तहसीलदार एवं कार्यकारी दण्डाधिकारी, पच्छाद, जिला सिरमौर, हिमाचल प्रदेश

आज दिनांक 12-12-2006 को हस्ताक्षर मेरे व मोहर प्रदात द्वारा जारी किया गया।

श्री राज कुमार पुत्र श्री बन्त राम, निवासी ग्राम शाहिदा, डाकघर शाहिदा, तहसील पच्छाद, जिला सिरमौर, हिमाचल प्रदेश।

मोहर।

हस्ताक्षरित/-

नायब तहसीलदार एवं कार्यकारी दण्डाधिकारी, जना, जिला जना, हिमाचल प्रदेश।

बनाम

ग्राम जनता

दरखास्त जेर धारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

व प्रदात नायब तहसीलदार एवं कार्यकारी दण्डाधिकारी, जना, जिला जना, हिमाचल प्रदेश

मुकद्मा नम्बर : जन्म/मृत्यु प्रमाण-पत्र।

श्री राज कुमार पुत्र श्री बन्त राम, निवासी ग्राम शाहिदा, तहसील पच्छाद ने इस प्रदात से प्रार्थना-पत्र मध्य श्रावण-पत्र गुजारा है कि उनके निम्नलिखित परिवार का जन्म तिथि का इन्दाज ग्राम पंचायत शाहिदा में दर्ज नहीं है:

श्री देस राज

बनाम

ग्राम जनता

दरखास्त जेर धारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

नोटिस बनाम ग्राम जनता।

1. मिस्टर मनप्रोत कुमार पुत्र श्री राज कुमार, जन्म तिथि : 18-2-2003.

2. मिस्टर नन्दोप कुमार पुत्र श्री राज कुमार, जन्म तिथि : 26-7-2004.

श्री देस राज पुत्र श्री बन्त राम, निवासी गांव बनगढ़, तहसील व जिला जना ने इस न्यायालय में दरखास्त दी है कि उसकी पुत्री कामिनी का नाम पंचायत रजिस्टर में गलती से दर्ज न करवाया जा सका है और धव दर्ज करवाया जावे। उसकी पुत्री का नाम कामिनी देवी है व जन्म तिथि 14-7-2001 है तथा बच्चे का जन्म स्थान बनगढ़ है।

अतः इन इन्दाज द्वारा हर ग्राम व खान को सूचित किया जाना है कि यदि किसी को उक्त नाम व जन्म तिथियां पंचायत रिकार्ड में दर्ज करने बारे कोई एतराज हो तो वह दिनांक 17-1-2007 को या इससे पूर्व अदालत में हाजिर होकर अपना एतराज पेश कर सकता है अन्यथा सचिव ग्राम पंचायत को सम्बन्धित उक्त नाम व जन्म तिथि दर्ज करने बारे आदेश जारी कर दिये जायेंगे।

आज दिनांक 2-12-2006 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ

मोहर।

जगत राम शर्मा,

नायब तहसीलदार एवं कार्यकारी दण्डाधिकारी, पच्छाद, जिला सिरमौर, हिमाचल प्रदेश।

आज दिनांक 12-12-2006 को हस्ताक्षर मेरे व मोहर प्रदात द्वारा जारी किया गया।

मोहर।

हस्ताक्षरित/-

नायब तहसीलदार एवं कार्यकारी दण्डाधिकारी, जना, जिला जना, हिमाचल प्रदेश।

व प्रदात नायब तहसीलदार एवं कार्यकारी दण्डाधिकारी, जना जिला जना, हिमाचल प्रदेश

मुकद्मा नम्बर : जन्म/मृत्यु प्रमाण-पत्र।

व प्रदात नायब तहसीलदार एवं कार्यकारी दण्डाधिकारी, जना, जिला जना, हिमाचल प्रदेश

मुकद्मा नम्बर : जन्म/मृत्यु प्रमाण-पत्र।

श्री यशपाल

बनाम

ग्राम जनता

दरखास्त जेर धारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

नोटिस बनाम जनता ग्राम।

शरीफ

बनाम

ग्राम जनता

दरखास्त जेर धारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

नोटिस बनाम ग्राम जनता।

श्री यशपाल पुत्र श्री हलिया राम, निवासी गांव लांघर धरनयाना, तहसील व जिला जना ने इस न्यायालय में दरखास्त दी है कि उनके पिता हलिया राम का नाम पंचायत रजिस्टर में गलती से दर्ज न करवाया जा सका है और धव दर्ज करवाया जावे। उसके पिता का नाम हलिया राम है, जिसकी मृत्यु तिथि 13-1-1978 है। तथा मृत्यु स्थान लांघर धरनयाना है।

अतः इन नोटिस के माध्यम से सम्मन जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाना है कि यदि किसी को उपरोक्त पिता का नाम दर्ज होने में कोई आपत्ति हो तो वह दिनांक 11-1-2007 को प्रातः दस बजे स्वयं प्रत्यक्ष अदालत या वकालत इन हाजिर धाकर पेश कर सकता है अन्यथा एक तरफा कार्यवाही प्रमान में लाई जाकर प्रमाण-पत्र जारी करने के आदेश दे दिये जायेंगे।

श्री शरीफ पुत्र श्री मनवर सुफी, निवासी गांव सतौपगढ़ तहसील व जिला जना ने इस न्यायालय में दरखास्त दी है कि उसके पुत्र मोहिनीदीन का नाम पंचायत रजिस्टर में गलती से दर्ज न करवाया जा सका है, धव दर्ज करवाया जावे। उसके पुत्र का नाम मोहिनीदीन व जन्म तिथि 15-7-2001 है तथा बच्चे का जन्म स्थान सतौपगढ़ है।

अतः इस नोटिस के माध्यम से सम्मन जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी को उपरोक्त बच्चे का नाम दर्ज होने में कोई आपत्ति हो तो वह दिनांक 15-1-2007 को प्रातः दस बजे स्वयं प्रत्यक्ष अदालत या वकालत इन हाजिर धाकर पेश कर सकता है अन्यथा एकतरफा कार्यवाही प्रमान

में भाई जाकर प्रमाण-पत्र जारी करने के आदेश दे दिये जाएंगे।

परन्तु अमानतावत वह उसकी तम निधि ग्राम पंचायत मरवाड़ी के रिकार्ड में दर्ज नहीं करा सका है।

प्राज दिनांक 15-12-2006 को हस्ताक्षर मेरे व मोहर अदानत जारी किया गया।

हस्ताक्षरित/-  
मोहर। नायब तहसीलदार व कार्यकारी दफ्ताधिकारी,  
ऊना, जिला ऊना, हिमाचल प्रदेश।

व अदानत तहसीलदार एवं सहायक महाहर्ता प्रथम वर्ग, ऊना, तहसील व जिला ऊना, हिमाचल प्रदेश

व मुकद्दमा :

इत्तकाल नम्बर 383 मुहाल लमनहड़ी, उप-मुहाल लमनहड़ी निचली, तहसील ऊना, मकुन्द-उल-खबरी बरास्त लक्ष्मण पुत्र कर्नईना, निवासी गांव लमनहड़ी बहक जायज बारासान।

उनवान मुकद्दमा :

किशन चन्द बनाम ग्राम जनता

नोटिस बनाम ग्राम जनता।

मुकद्दमा उनवानवाला में ग्राम जनता को सूचित किया जाता है कि श्री किशन चन्द पुत्र श्री मुख राम, जात लावणा, निवासी गांव लमनहड़ी, तहसील व जिला ऊना ने अदालत हजा में दरखास्त गुजारी है कि लक्ष्मण पुत्र कर्नईया काफी समय से लापता है तथा उसके जीवित होने या न होने का कोई दलम न है। इसलिये उगकी बरास्त का इत्तकाल दर्ज व तस्दीक करवाया जाये। बाद छानबीन लक्ष्मण पुत्र कर्नईया की बरास्त का इत्तकाल नम्बर 383 बहक जायज बारासान दर्ज कर दिया गया है। जो कि जेरे फीसला है।

जिहाजा इम नोटिस के माध्यम से जनता ग्राम व सम्बन्धित रिश्तदारी को इत्तहाह दी जाती है कि यदि किसी को उक्त इत्तकाल लापता लक्ष्मण के जायज बारासान के नाम तस्दीक होने में कोई उजर/एतराज हो तो वह अदालत/वकालतन अदालत हजा में दिनांक 20-1-2007 को प्रातः 10.00 बजे या इससे पूर्व अग्रोहस्ताक्षरी के समक्ष आकर पेश कर सकत है अन्यथा बाद में कोई भी उजर/एतराज काबिले गौर न होगा तथा इत्तकाल का फीसला हम्ब जाव्ला कर दिया जायेगा।

प्राज दिनांक 5-12-2006 को हस्ताक्षर मेरे व मोहर अदालत में जारी हुआ।

हस्ताक्षरित/-  
मोहर। तहसीलदार एवं सहायक महाहर्ता प्रथम वर्ग,  
ऊना, तहसील व जिला ऊना, हिमाचल प्रदेश।

व अदालत श्री मुभाप नन्दा (हि0 प्र0 से0), उप-मण्डलाधिकारी (ना0), अम्ब, जिला ऊना (हि0 प्र0)

श्री उत्तम चन्द पुत्र श्री बेली राम, निवासी मरवाड़ी, तहसील अम्ब, जिला ऊना, हिमाचल प्रदेश।

बनाम  
ग्राम जनता

प्रायना-पत्र जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधि-नियम, 1969.

श्री उत्तम चन्द पुत्र श्री बेली राम, निवासी मरवाड़ी ने इस अदालत में एक प्रायना-पत्र गुजारा है कि उसके पति तरूण राणा पुत्र श्री विजय कुमार का जन्म दिनांक 7-12-1996 को हुआ था

अतः सर्वसाधारण को इस इश्तहार द्वारा सूचित किया जाता है कि यदि इन बारे किसी को कोई एतराज हो तो वह दिनांक 15-1-2007 को अमानतन या वकालतन प्रातः 10.00 बजे हाजिर होकर अपना एतराज पेश कर सकता है। निष्पत्ति अवधि के पश्चात् कोई आपत्ति प्राप्त न होने पर प्रायना-पत्र श्री उत्तम चन्द पर नियमानुसार कार्यवाही की जाएगी।

प्राज दिनांक 13-12-2006 को मेरे हस्ताक्षर व मोहर अदालत में जारी हुआ।

मोहर। मुभाप नन्दा,  
उप-मण्डलाधिकारी (ना0),  
अम्ब, जिला ऊना (हि0 प्र0)।

व अदालत श्री मुभाप नन्दा (हि0 प्र0 से0), उप-मण्डलाधिकारी (ना0), अम्ब, जिला ऊना (हि0 प्र0)

श्री श्री चन्द पुत्र श्री मंगत राण, निवासी अकरोट, तहसील अम्ब, जिला ऊना (हि0 प्र0)।

बनाम

ग्राम जनता

प्रायना-पत्र जेर धारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

श्री हरी चन्द पुत्र श्री मंगत राण, निवासी अकरोट ने इस अदालत में प्रायना-पत्र गुजारा है कि उसके भाई अपन राम पुत्र श्री मंगत राम की मृत्यु दिनांक 18-9-2006 को हुई थी परन्तु अमानतावत वह उसकी मृत्यु तिथि ग्राम पंचायत बेड़ोह जमवां के रिकार्ड में दर्ज नहीं करा सका है।

अतः सर्वसाधारण को इस इश्तहार द्वारा सूचित किया जाता है कि यदि इस बारे किसी को कोई एतराज हो तो वह दिनांक 15-1-2007 को अदालतन या वकालतन प्रातः 10.00 बजे हाजिर होकर अपना एतराज पेश कर सकता है। निष्पत्ति अवधि के पश्चात् कोई आपत्ति प्राप्त न होने पर प्रायना-पत्र श्री हरी चन्द पर नियमानुसार कार्यवाही की जाएगी।

प्राज दिनांक 13-12-2006 को मेरे हस्ताक्षर व मोहर अदानत में जारी हुआ।

मोहर। मुभाप नन्दा,  
उप-मण्डलाधिकारी (ना0),  
अम्ब, जिला ऊना, हिमाचल प्रदेश।

व अदालत श्री मुभाप नन्दा (हि0 प्र0 से0), उप-मण्डलाधिकारी (ना0), अम्ब, जिला ऊना, हिमाचल प्रदेश

श्री निर्भय सिंह पुत्र स्व0 श्री विशेशर सिंह, निवासी बड़ोह, तहसील अम्ब, जिला ऊना, हिमाचल प्रदेश।

बनाम  
ग्राम जनता

प्रायना-पत्र जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

श्री निर्भय सिंह पुत्र स्व0 श्री विशेशर सिंह, निवासी बड़ोह ने इस अदालत में प्रायना-पत्र गुजारा है कि उसके लड़के कंवर सूरज सिंह का जन्म दिनांक 19-11-1997 को हुआ था परन्तु अमानतावत वह उसकी जन्म तिथि ग्राम पंचायत बड़ोह के रिकार्ड में दर्ज नहीं करा सका है।

अतः गर्भधारण को इस दस्तावेज़ द्वारा सूचित किया जाता है कि यदि इस बारे में किसी को कोई एतराज हो तो वह दिनांक 15-1-2007 को असावलन या बकालतन प्रातः 10.00 बजे हाज़िर होकर अपना एतराज पेश कर सकता है। निर्धारित अवधि के पश्चात् कोई आपत्ति प्राप्त न होने पर प्रायना-पत्र श्री निरमय सिंह पर नियमानुसार कार्यवाही की जाएगी।

आज दिनांक 13-12-2006 को मेरे हस्ताक्षर व मोहर अदालत में जारी हुआ।

मोहर।

गुभाय नन्दा,  
उप-मण्डलाधिकारी (ना०),  
अम्ब, जिला ऊना, हिमाचल प्रदेश।

व अदालत श्री गुभाय नन्दा (हि० प्र० सं०), उप-मण्डलाधिकारी (ना०),  
अम्ब, जिला ऊना, हिमाचल प्रदेश

श्री रोजन लाल पुत्र श्री ज्ञान चन्द, निवासी इगोह, तहसील  
अम्ब, जिला ऊना, हिमाचल प्रदेश।

बनाम

ग्राम जनता

प्रायना-पत्र जैर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम,  
1969.

श्री रोजन लाल पुत्र श्री ज्ञान चन्द, निवासी इगोह ने इस अदालत में प्रायना-पत्र गुजारा है कि उसको गिना ज्ञान चन्द पुत्र श्री रिकार के मृत्यु दिनांक 31-8-2006 को हुई थी परन्तु अज्ञानतावश वह उसकी मृत्यु तिथि ग्राम पंचायत इगोह जाल के रिकार्ड में दर्ज नहीं करा सका है।

अतः गर्भधारण को इस दस्तावेज़ द्वारा सूचित किया जाता है कि यदि इस बारे में किसी को कोई एतराज हो तो वह दिनांक 15-1-2007 को असावलन या बकालतन प्रातः 10.00 बजे हाज़िर होकर अपना एतराज पेश कर सकता है। निर्धारित अवधि के पश्चात् कोई आपत्ति प्राप्त न होने पर प्रायना-पत्र श्री रोजन लाल पर नियमानुसार कार्यवाही की जाएगी।

आज दिनांक 13-12-2006 को मेरे हस्ताक्षर व मोहर अदालत में जारी हुआ।

मोहर।

गुभाय नन्दा,  
उप-मण्डलाधिकारी (ना०),  
अम्ब, जिला ऊना (हि० प्र०)।

व अदालत श्री गुभाय नन्दा (हि० प्र० सं०), उप-मण्डलाधिकारी (ना०),  
अम्ब, जिला ऊना, हिमाचल प्रदेश

श्री जीत सिंह गुप्ता श्री किमोरी लाल, निवासी लण्डेर टिकरी,  
तहसील अम्ब, जिला ऊना (हि० प्र०)।

बनाम

ग्राम जनता

प्रायना-पत्र जैर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम,  
1969.

श्री जीत सिंह पुत्र श्री किमोरी लाल, निवासी लण्डेर टिकरी ने इस अदालत में प्रायना-पत्र गुजारा है कि उसको लड़के नवशेर का जन्म दिनांक 13-4-2005 का हुआ था परन्तु अज्ञानतावश वह उसकी जन्म तिथि ग्राम पंचायत लण्डेर के रिकार्ड में दर्ज नहीं करा सका है।

अतः गर्भधारण को इस दस्तावेज़ द्वारा सूचित किया जाता है कि यदि इस बारे में किसी को कोई एतराज हो तो वह दिनांक 15-1-2007

को असावलन या बकालतन प्रातः 10.00 बजे हाज़िर होकर अपना एतराज पेश कर सकता है। निर्धारित अवधि के पश्चात् कोई आपत्ति प्राप्त न होने पर प्रायना-पत्र श्री जीत सिंह पर नियमानुसार कार्यवाही की जाएगी।

आज दिनांक 13-12-2006 को मेरे हस्ताक्षर व मोहर अदालत में जारी हुआ।

मोहर।

गुभाय नन्दा,  
उप-मण्डलाधिकारी (ना०),  
अम्ब, जिला ऊना, हिमाचल प्रदेश।

व अदालत श्री गुभाय नन्दा (हि० प्र० सं०), उप-मण्डलाधिकारी (ना०),  
अम्ब, जिला ऊना, हिमाचल प्रदेश

श्री निरमय सिंह गुप्ता स्व० श्री विवेकेश सिंह, निवासी बड़ोह,  
तहसील अम्ब, जिला ऊना (हि० प्र०)।

बनाम

ग्राम जनता

प्रायना-पत्र जैर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

श्री निरमय सिंह पुत्र स्व० श्री विवेकेश सिंह, निवासी बड़ोह ने इस अदालत में प्रायना-पत्र गुजारा है कि उसकी लड़की कनिका ठाकुर का जन्म दिनांक 13-5-2006 को हुआ था परन्तु अज्ञानतावश वह उसकी जन्म तिथि ग्राम पंचायत बड़ोह के रिकार्ड में दर्ज नहीं करा सका है।

अतः गर्भधारण को इस दस्तावेज़ द्वारा सूचित किया जाता है कि यदि इस बारे में किसी को कोई एतराज हो तो वह दिनांक 15-1-2007 को असावलन या बकालतन प्रातः 10.00 बजे हाज़िर होकर अपना एतराज पेश कर सकता है। निर्धारित अवधि के पश्चात् कोई आपत्ति प्राप्त न होने पर प्रायना-पत्र श्री निरमय सिंह पर नियमानुसार कार्यवाही की जाएगी।

आज दिनांक 13-12-2006 को मेरे हस्ताक्षर व मोहर अदालत में जारी हुआ।

मोहर।

गुभाय नन्दा,  
उप-मण्डलाधिकारी (ना०),  
अम्ब, जिला ऊना (हि० प्र०)।

व अदालत श्री गुभाय नन्दा (हि० प्र० सं०), उप-मण्डलाधिकारी (ना०),  
अम्ब, जिला ऊना (हि० प्र०)

श्रीमती बचनी देवी पत्नी श्री जुल्की राम, निवासी कांयड़ी, तहसील  
अम्ब, जिला ऊना (हि० प्र०)।

बनाम

ग्राम जनता

प्रायना-पत्र जैर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

श्रीमती बचनी देवी पत्नी श्री जुल्की राम, निवासी कांयड़ी ने इस अदालत में प्रायना-पत्र गुजारा है कि उसकी पत्नी दांवा पुत्री श्री सुन्दराम का जन्म दिनांक 1-5-2000 को हुआ था परन्तु अज्ञानतावश वह उसकी जन्म तिथि ग्राम पंचायत कांयड़ी के रिकार्ड में दर्ज नहीं करा सकी है।

अतः गर्भधारण को इस दस्तावेज़ द्वारा सूचित किया जाता है कि यदि इस बारे में किसी को कोई एतराज हो तो वह दिनांक 15-1-2007 को असावलन या बकालतन प्रातः 10 बजे हाज़िर



होम-प्रपना एतराज पेज कर सकता है। निर्धारित अवधि के पश्चात् कोई आपत्ति प्राप्त न होने पर प्राथना-पत्र श्रीमती बचनी देवी पर नियमानुसार कार्यवाही की जायेगी।

आज दिनांक 13-12-2006 को मेरे हस्ताक्षर व मोहर अदालत में जारी हुआ।

मोहर। मुभाय नन्दा,  
उप-मण्डलाधिकारी (ना०),  
अम्ब, जिला ऊना, हिमाचल प्रदेश।

ब अदालत श्री मुभाय नन्दा (हि० प्र० न०), उप-मण्डलाधिकारी (ना०)  
अम्ब, जिला ऊना, हिमाचल प्रदेश

श्रीमती बचनी देवी पुत्री स्व० श्री रूप लाल शर्मा पत्नी श्री राम लाल शर्मा, निवासी नलोह, तहसील अम्ब, जिला ऊना, हिमाचल प्रदेश।

बनाम।

ग्राम जनता।

प्राथना-पत्र जेर द्वारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

श्रीमती बचनी देवी पुत्री स्व० श्री रूप लाल शर्मा पत्नी श्री राम लाल शर्मा, निवासी नलोह ने इस अदालत में प्राथना-पत्र गुजारा है कि उसका प्रपना नाम व जन्म तिथि 15-4-1949 ग्राम पंचायत नलोह में दर्ज न हुआ था, अब दर्ज किया जावे।

अतः सर्वसाधारण को इस इस्तहार द्वारा सूचित किया जाता है कि यदि इस बारे में किसी को कोई एतराज हो तो वह दिनांक 15-1-2007 को असावतन या बकावतन प्रातः 10.00 बजे हाजिर होकर प्रपना एतराज पेज कर सकता है। निर्धारित अवधि के पश्चात् कोई आपत्ति प्राप्त न होने पर प्राथना-पत्र श्रीमती बचनी देवी पर नियमानुसार कार्यवाही की जायेगी।

आज दिनांक 13-12-2006 को मेरे हस्ताक्षर व मोहर अदालत में जारी हुआ।

मोहर। मुभाय नन्दा,  
उप-मण्डलाधिकारी (ना०),  
अम्ब, जिला ऊना (हि० प्र०)।

ब अदालत श्री मुभाय नन्दा (हि० प्र० न०), उप-मण्डलाधिकारी (ना०),  
अम्ब, जिला ऊना, हिमाचल प्रदेश

श्री राजेश कुमार पुत्र श्री सीता राम, निवासी भंजान, तहसील जिला ऊना, हिमाचल प्रदेश।

बनाम

ग्राम जनता

प्राथना-पत्र जेर द्वारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

श्री राजेश कुमार पुत्र श्री सीता राम, निवासी भंजान ने इस अदालत में प्राथना-पत्र गुजारा है कि उसके लड़के रिशव का जन्म दिनांक 25-9-2004 को हुआ था परन्तु अज्ञाततावश वह उसकी जन्म तिथि ग्राम पंचायत भंजान (ग्राम्प) के रिकार्ड में दर्ज नहीं करा सका है।

अतः सर्वसाधारण को इस इस्तहार द्वारा सूचित किया जाता है कि यदि इस बारे में किसी को कोई एतराज हो तो वह दिनांक 15-1-2007 को असावतन या बकावतन प्रातः 10.00 बजे हाजिर होकर अपना एतराज पेज कर सकता है। निर्धारित अवधि के पश्चात् कोई आपत्ति प्राप्त न होने पर प्राथना-पत्र श्री राजेश कुमार पर नियमानुसार कार्यवाही की जायेगी।

आज दिनांक 13-12-2006 को मेरे हस्ताक्षर व मोहर अदालत में जारी हुआ।

मोहर। मुभाय नन्दा,  
उप-मण्डलाधिकारी (ना०),  
अम्ब, जिला ऊना, हिमाचल प्रदेश।

ब अदालत श्री मुभाय नन्दा (हि० प्र० न०), उप-मण्डलाधिकारी (ना०),  
अम्ब, जिला ऊना, हिमाचल प्रदेश

श्रीमती जीवन देवी विधवा श्री मुभाय चन्द, निवासी बोट, तहसील अम्ब, जिला ऊना, हिमाचल प्रदेश।

बनाम

ग्राम जनता

प्राथना-पत्र जेर द्वारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

श्रीमती जीवन देवी विधवा श्री मुभाय चन्द, निवासी बोट ने इस अदालत में प्राथना-पत्र गुजारा है कि उसके पति का नाम मुभाय चन्द पुत्र श्री बसोयी राम को मृत्यु 22-3-1995 को हुई थी परन्तु अज्ञानतावश वह उसकी मृत्यु तिथि ग्राम पंचायत बोट के रिकार्ड में दर्ज नहीं करा सकी है।

अतः सर्वसाधारण को इस इस्तहार द्वारा सूचित किया जाता है कि यदि इस बारे में किसी को कोई एतराज हो तो वह दिनांक 15-1-2007 को असावतन या बकावतन प्रातः 10.00 बजे हाजिर होकर अपना एतराज पेज कर सकता है। निर्धारित अवधि के पश्चात् कोई आपत्ति प्राप्त न होने पर प्राथना-पत्र श्रीमती जीवन देवी पर नियमानुसार कार्यवाही की जायेगी।

आज दिनांक 13-12-2006 को मेरे हस्ताक्षर व मोहर अदालत में जारी हुआ।

मोहर। मुभाय नन्दा,  
उप-मण्डलाधिकारी (ना०),  
अम्ब, जिला ऊना, हिमाचल प्रदेश।

In the Court of Shri Mukesh Bansal, Civil Judge (Senior Division) Dehra, District Kangra, Himachal Pradesh

Succession Act Case No. 5/2006

Titled as : Lekh Raj s/o Shri Ghishi Ram, r/o Bankhandi, Tehsil Dehra, District Kangra at present r/o Chak No. 16 K.N.D., Tehsil Gharsana, District Ganganagar (Rajasthan).

Versus

General public

Petition Under Order 276 of the Indian Succession Act for grant of letter of probate of Regd. will.

To

The General Public.

Whereas in the above noted case the petitioner has filed an application under order 276 of Indian succession Act, 1925 for grant of letter of probate of Regd. will dated 23-4-1991 of Late Smt. Rukmani wd/o Shri Choudhary caste Brahmin, r/o Bankhandi, Tehsil Dehra, District Kangra, Himachal Pradesh. In the Alternative petition Under section 278 of the Indian Succession Act, 1925 for grant of letter of Administration of will dated 23-4-1991.

Hence this proclamation is hereby issued to the above named respondents of the illaqua and kith and kins of the deceased to file objection, if any, to the grant of such probate in this Court: on or before 12-1-2007 at 10.00 A.M. personally or through an authorised agent/pleader, failing which the petition will be heard and disposed of *ex parte*.

Given under my hand and the seal of this Court today the 18th day of December, 2006.

Seal. **MUKESH BANSAL.**  
Civil Judge (Senior Division).  
Dehra. District Kangra (Ji P.).

In the High Court of Himachal Pradesh at Shimla

Company Petition No. 8/2006

In the matter of :

Winding up of Him Parvesh Finance Ltd. having its Registered Office at Samnol Cottage, Chakkar, Shimla 171 005.

Rajiv Sood

Versus

Him Parvesh Finance Ltd.

Petitioner.

Respondent

### NOTICE OF WINDING UP ORDER

By an order made by the Hon'ble High Court of Himachal Pradesh at Shimla in the above matter on 23-11-2006, it was ordered that the M/s Him Parvesh Finance Ltd. having its Registered Office at Samnol Cottage, Chakkar, Shimla 171 005 be wound up in accordance with the provisions of Companies Act, 1956.

Dated 18th December, 2006.

Seal.

**RAHUL MAHAJAN**  
Advocate of Petitioner.

भाग 6—भारतीय राजपत्र द्वारा वि में से पुनः प्रकाशन

-अन्य-

भाग 7—भारतीय निर्वाचन आयोग (Election Commission of India) की वैधानिक दृष्टिसूचनाएं तथा अन्य निर्वाचन सम्बन्धी अधिसूचनाएं

-अन्य-

अनुपूरक

-अन्य-

### भाग 1

सिचार्ड एवं जन स्वास्थ्य विभाग

अधिसूचनाएं

विस्तृत विवरणों

जिला : हमीरपुर

तहसील : सुजानपुर

गांव	खसरा नं०	क्षेत्र	कनाल मरले
1	2	3	4
सुजानपुर	3/1	4	2
	4/1	3	1
	5/1	1	15
	6/1	1	11
कुल	4	10	9

\*गांव सुजानपुर, तहसील सुजानपुर टीहरा, जिला हमीरपुर में सीबरेज ट्रीटमेंट प्लांट सुजानपुर शहर के निर्माण के लिए।

संख्या सिचार्ड 11-133/2005-हमीरपुर

शिमला-171002, 14 दिसम्बर, 2006

सुजानपुर 772/1 8 8

प्रदेश द्वारा,

हस्ताक्षरित/-  
प्रधान सचिव।

यतः हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि हिमाचल प्रदेश सरकार को सरकारी व्यय पर सार्वजनिक प्रयोजन के लिए नामतः भूमि ली जानी अपेक्षित है। अतएव एतद्वारा यह घोषित किया जाता है कि निम्नलिखित विस्तृत विवरणों में वर्णित भूमि उपर्युक्त प्रयोजन के लिए अपेक्षित है।

2. भूमि अर्जन अधिनियम, 1894 की धारा 6 के उपबन्धों के अधीन सभी सम्बन्धित व्यक्तियों की सूचना के लिए घोषणा की जाती है तथा उक्त अधिनियम की धारा 7 के उपबन्धों के अधीन समाहर्ता, भू-अर्जन, हिमाचल प्रदेश लोक निर्माण विभाग, मण्डो की उक्त भूमि के अर्जन के लिए आदेश लेने का एतद्वारा निर्देश दिया जाता है।

3. भूमि या संस्थागत समाहर्ता, भू-अर्जन, लोक निर्माण विभाग, मण्डो, हिमाचल प्रदेश के कार्यालय में निरीक्षण किया जा सकता है।

\*गांव सुजानपुर, तहसील सुजानपुर जिला हमीरपुर में सीबरेज ट्रीटमेंट प्लांट के निर्माण के लिए।

संख्या सिचार्ड 11-135/2005-हमीरपुर.

शिमला-171002, 14 दिसम्बर, 2006

## LABOUR &amp; EMPLOYMENT DEPARTMENT

## NOTIFICATION

Shimla-2, the 26th September, 2006

No. Shram (A)7-1/2005.—In exercise of powers vested in him under section 17(1) of the Industrial Disputes Act, 1947, the Governor, Himachal Pradesh is pleased to order the publication of awards announced by the Presiding Officer, Labour Court, Shimla of the following cases in the H.P. Rajpatra :—

Sl. No. & Case No.	Title of case	Date of Award
1	2	3
1. Ref. No. 29/1999	Ms. Nirmla Devi Vs. The Proprietor Surya Steel Industries Deonghat, Solan.	30-5-2006
2. Ref. No. 28/2002	Sh. Lekh Ram Vs. The Ex. Engg. (B&R) Division, Solan.	3-6-2006
3. Ref. No. 129/2003	Sh. Madan Lal Vs. Municipal Corporation, Shimla.	22-6-2006
4. Ref. No. 350/2002	Sh. Gian Singh Vs. D.F.O. Forest Division, Solan.	28-6-2006
5. Ref. No. 48/1998	Sh. Rameshwar Dass Vs. The Regional Manager Himachal Road Transport Corporation, Nahan.	21-6-1998
6. Ref. No. 342/2003	Sh. Raj Kumar Vs. A.S.E. Ka-hang Construction Division No. 11, H.P. SEB, Jeroi & Anr.	27-6-2006
7. Ref. No. 41/2006	Sh. Salim Ahmad Vs. Ex. Eng. H.P. PWD IPH State Workshop Nahan.	5-6-2006
8. Ref. No. 98/2003	Sh. Majin Deen Vs. Ex. Eng. HP. SEB Elect. Division Nalagarh, Distt. Solan.	3-6-2006
9. Ref. No. 99/2003	Sh. Laffit Deen Vs. Ex. Eng. HP. SEB Elect. Division Nalagarh, Distt. Solan.	3-6-2006
10. Ref. No. 100/2003	Sh. Hari Dass Vs. Ex. Eng. -do-	3-6-2006
11. Ref. No. 101/2003	Sh. Sartar Mehamad Vs. Ex. Eng. HP. SEB Nalagarh, Distt. Solan.	3-6-2006
12. Ref. No. 161/2003	Sh. Amar Singh Vs. Ex. Eng. HP. SEB Nalagarh, Distt. Solan.	3-6-2006
13. Ref. No. 162/2003	Sh. Shyam Lal Vs. Ex. Eng. HP. SEB, Nalagarh, Distt. Solan.	3-6-2006

1	2	3
14. Ref. No. 163/2003	Sh. Jagdish Chand Vs. Ex. Eng. H.P. SEB Nalagarh, Distt. Solan.	3-6-2006
15. Ref. No. 164/2003	Sh. Jagdish Chand Vs. Ex. Eng. H.P. SEB Nalagarh, Distt. Solan.	3-6-2006
16. Ref. No. 148/2001	Sh. Ishwar Dutt Vs. Principal St. Beds College Nav Vahar, Shimla.	5-6-2006
17. Ref. No. 301/2003	Sh. Sanjay Singh Vs. M.D. M's Engineering Innovation Pvt. Ltd. Parwanoo, Distt. Solan, H.P.	1-6-2006
18. Ref. No. 303/2003	Sh. Shyam Lal Vs. M.D. M's Engineering -do-	1-6-2006
19. Ref. No. 315/2003	Sh. Daljeet Singh Vs. M.D. -do-	1-6-2006
20. Ref. No. 318/2003	Sh. Ram Bachan Vs. M.D. -do-	1-6-2006
21. Ref. No. 191/2002	Sh. Nand Lal Vs. M.D. Sharma Prop. M's Mitsan Engineering Baddi, Distt. Solan, H.P.	14-6-2006
22. Ref. No. 39/2006	Sh. Dil Bahadur Thapa Vs. M's M.H.L. Micro Tak. Infosoft, Parwanoo Distt. Solan, H.P.	14-6-2006
23. Ref. No. 50/2001	Sh. Sita Ram Vs. Ex. Eng. IPH Division Saproon, Solan & Ors.	28-6-2006
24. Ref. No. 29/2006	Sh. Bala Ram Vs. M's Khanna Watches Ltd. Parwanoo, Distt. Solan, H.P.	13-6-2006

By order,

Sd/-

Secretary.

In the Court of Shri L. N. Sharma, Presiding Judge,  
H.P. Labour Court, Shimla

Ref. No : 29 of 1999

Instituted on : 23-2-1999

Decided on : 30-5-2006

Ms. Nirmala Devi Sharma through Shri J. C. Bhardwaj, The  
General Secretary, H.P. AITUC, Saproon, Solan

...Petitioner.

Versus

The Proprietor, Surya Steel Industries, Deonghat, Solan  
..Respondent.

Reference under Section 10 of the Industrial Disputes  
Act, 1947.

For petitioner : Shri J. C. Bhardwaj, AR.  
For respondent : Already ex-parte.

Announced in the Open Court today this 30<sup>th</sup> Day of  
May, 2006.

## AWARD

Scal.

The following reference has been received from the appropriate government for adjudication by this Court:—

L. N. SHARMA,  
Presiding Judge,  
H.P. Industrial Tribunal-cum-  
Labour Court, Shimla.

"Whether the termination of services of Smt. Nirmala Sharma by the M's Suriya Steel Industries, Deonghat, Distt. Solan, H. P. w.e.f. 12-8-1998 without any notice, chargesheet, enquiry & without compliance of section 25-F of the Industrial Disputes Act, 1947 is legal and justified. If not, to what relief of past services benefits, back wages & amount of compensation Smt. Nirmala Sharma is entitled for?"

In the Court of Shri L. N. Sharma, Presiding Judge,  
H. P. Labour Court, Shimla

Reference No. 28 of 2002  
Instituted on : 19-1-2002  
Decided on : 3-6-2006

Shri Lekh Ram s/o Shri Anokhi Ram, r/o Village Gara, P.O.  
Basaai, Tehsil and District Solan ...Petitioner

Versus

The Executive Engineer, HPPWD, (B&R) Division, Solan  
...Respondent.

Reference under Section 10 of the Industrial Disputes  
Act, 1947.

For petitioner : Shri S. S. Sippi, AR.  
For respondent : Shri Sandeep Attri, Ld. ADA.

## AWARD

The following reference has been received for adjudication  
from the appropriate government:—

"Whether the termination w.e.f. 10/98 of Sh. Lekh Ram  
s/o Shri Anokhi Ram daily wage Beldar by the Executive  
Engineer, H.P.P.W.D. (B&R) Division, Solan without  
complying with Section 25-F and 25-N is legal and  
justified? If not, to what back wages, seniority, service  
benefit and relief the concerned workman is entitled to?"

2. The claim has been filed alleging that the petitioner  
was engaged on 1-9-1979 and he served the respondent till  
January, 1998. The services of the petitioner has been terminated  
without any notice and payment of retrenchment compensation.  
He prayed for the relief.

3. The claim of the petitioner has been strongly contested  
by the respondent. The respondent has admitted that the  
petitioner was engaged on 1-9-1979 as beldar and he worked till  
May, 1992. The petitioner remained absent during the whole  
year of 1984 and worked for 99 days in the year, 1985. The  
petitioner has only completed 240 days in every year except  
1984, 1988, 1990 and 1991. The petitioner was again engaged in  
February, 1998, but he abandoned his job in October, 1998 at his  
own will. They denied the remaining contents of the petition  
and prayed for the dismissal of the same.

4. The petitioner has filed the rejoinder wherein he has  
denied the contents of the reply and reaffirmed the contents of  
the petition and prayed for the relief.

5. On the basis of the pleadings of the parties, the  
following issues were framed by this Court on 27-12-2004:—

1. Whether the termination of services of petitioner  
by respondent w.e.f. October, 1998 without  
complying the provision of Section 25-F and 25-N  
is legal and justified? OPR.

2. The petitioner has alleged that she was engaged  
by the respondent in 1992 and her services were terminated on  
12-8-1998 illegally. During her service, no explanation etc. has  
been issued to her. The termination is illegal, void as no notice  
or retrenchment compensation has been paid to her. She has  
completed 240 days of service and she is entitled for her re-  
instatement.

3. The claim has been strongly contested by the  
respondent. The preliminary objection that the reference is  
bad in the eyes of law as the respondent industry was not existing  
in October, 1992 as such there arise no question of petitioner  
being engaged by the respondent. She is also estopped from  
filing the present petition and the same is not maintainable as  
there is no relationship of employee and employer. On merits,  
the respondent has alleged that as the industry was not existing  
in 1992, hence the plea of the petitioner that she was engaged in  
1992 does not arise. Further there is no relationship of employer  
and employee. Hence, the petition is not maintainable. The  
respondent has denied the remaining contents of the petition  
and prayed for the dismissal of the same.

4. Rejoinder filed wherein the petitioner has controverted  
the stand taken in the reply and reiterated the stand taken in the  
petition and prayed for the relief. On the basis of the pleadings  
of the parties, this court framed the following issues on  
26-10-2005:

1. Whether the services of the petitioner were illegally  
terminated by the respondent without complying the  
provisions of Section 25-F of the I. D. Act, 1947? If so,  
its effect? OPR.

2. If issue No.1 is proved in affirmative, to what relief the  
petitioner is entitled to? OPR.

3. Whether the present petition is not maintainable in the  
present form? OPR.

4. Relief.

5. The case was listed for petitioner evidence for  
21-12-2005 on which date the respondent was not present and  
no evidence of the petitioner was present. The case has been  
adjourned for 30-5-2006. Again on 30-5-2006 no evidence has  
been produced by the petitioner. Issues No. 1 & 2 was on the  
petitioner as no evidence has been produced, an adverse  
inference is required to be drawn against the petitioner.  
Accordingly, both the issues are decided against the petitioner.

6. In view of my findings on the aforesaid issues, the  
reference is replied against the petitioner. Let a copy of this  
award be sent to the appropriate government for publication in  
the official gazette.

2. If issue No. 1 is not proved, to what relief of service benefits including back wages and seniority the petitioner is entitled to? OPP
3. Whether the petitioner had left the job at his own? OPR.
4. Relief.

6. Both the parties have lead the evidence. I have heard both the parties and have also gone through the record. For the reasons to be recorded hereinafter, my findings on the aforesaid issues are as under:

#### FINDINGS

- Issue No. 1 : Yes.
- Issue No. 2 : Not entitled to any benefit.
- Issue No. 3 : Not pressed.
- Relief : Reference answered *vide* a operative part of the award.

#### REASONS FOR FINDINGS:

##### Issues No. 1 & 2 :

7. Both these issues are interlinked and are taken up together for discussion and decision. There is no dispute about the engagement of the petitioner by the respondent. The only controversy involved in the present case is that the petitioner alleged that his services were terminated in October, 1998 whereas the respondent has alleged that the petitioner left the job at his own. The petitioner has tendered his affidavit in evidence as Ex.PW-1/A. In cross-examination, he has denied that he has left the job at his own. The witness also stated that after his removal, he visited the office number of times, but he was not re-engaged despite numerous assurances. He had not made any request for re-engagement in 1998, but he was re-engaged.

8. The respondent has produce one Shri R. K. Joshi, Junior Engineer who has stated that the petitioner left the job at his own. He also remained absent. They have not terminated his services. In cross-examination, he has admitted that the petitioner remained in their employment since 1-9-1989 to May, 1992. They have not given any break in service of the petitioner after May, 1992. No show cause notice was served upon the petitioner and he was never called for work. They have not taken any approval from the government for his disengagement. He has admitted that the junior persons who were engaged are still working. The petitioner was re-engaged in January, 1998 after the conciliation efforts made by the Labour Officer. No retrenchment compensation has been paid to the petitioner.

9. From the perusal of the oral as well as documentary evidence, it has been proved by the petitioner that he was engaged by the respondent in the year, 1979 and he continued till 1992. It has also been admitted that the petitioner was re-engaged in 1998, but he left the job at his own. From the perusal of the mandays chart, the petitioner has not completed 240 days except 1984, 1988, 1990 and 1991. As per mandays chart, the petitioner was re-engaged in 1998 after about 6 years. The petitioner has also not completed 240 days in the preceding year. The petitioner could not prove that his services were terminated by the respondent or he has completed 240 days work in the preceding years. To attract the provisions of section 25-F of the Industrial Disputes Act, it is to be proved by the petitioner that he has completed 240 days of service in the preceding years and he has been terminated without any notice

or retrenchment compensation, which is missing in the case in hand. He has also not brought anything on record that any junior to him was engaged or he is entitled to claim any benefit under Section 25-N of the 'act'. The petitioner has not even uttered any word that there were more than 100 workers working under the respondent at the time when his services were terminated. Hence, no relief can be given to him. Accordingly, both the issues are decided against the petitioner.

Issue No. 3 : Not pressed

#### RELIEF

10. In view of my findings on the aforesaid issues, there is no merit in the present case. Accordingly, the reference is answered in negative. Let a copy of this award be sent to the appropriate government for publication in the official gazette.

Announced in the Open Court today this 3<sup>rd</sup> Day of June, 2006.

Seal.

L. N. SHARMA,  
Presiding Judge,  
H.P. Industrial Tribunal-cum-  
Labour Court, Shimla.

In the Court of Shri L. N. Sharma, Presiding Judge,  
H. P. Labour Court, Shimla

Reference No. 129 of 2003

Instituted on : 28-9-2003

Decided on : 22-6-2006

Madan Lal s/o Shri Hira Lal, r/o Village Balangru, P.O. Kufthoo, Tehsil Kandaghat, District Solan, H. P. ... Petitioner.

Versus

Municipal Engineer, Municipal Corporation, Shimla, H. P.  
... Respondent.

Reference under section 10 of the Industrial Disputes Act, 1947.

For petitioner : Shri O. P. Chauhan, Advocate.

For respondent : Ex-parte.

#### AWARD

The following reference has been received for adjudication by the appropriate government:—

“क्या श्री मदन लाल सुपुत्र श्री हीरा लाल, दैनिक वेतन भोगी कामगार को नगर अभियन्ता, नगर निगम, शिमला-171001 द्वारा बीमारी के उपरान्त मैडीकल देने पर भी दिनांक 21-2-1998 से नौकरी से निकाला जाना उचित एवं न्याय संगत है? अगर नहीं तो श्री मदन लाल सुपुत्र श्री हीरा लाल कामगार किस वरियता, सेवा लाभ एवं राहत का पात्र है?”

2. The claim has been filed by the petitioner alleging that he was engaged as beldar on 2-6-1995 and he continued in service

till 20-2-1998. The petitioner suddenly fell ill while on duty and he was taken to IGMCH, Shimla by his co worker on 20-2-1998. The petitioner was admitted in the hospital on 2-3-1998 and remained admitted there till 23-3-1998. The petitioner has informed his Junior Engineer for the grant of leave on 24-10-2000 when the petitioner joined his duty alongwith all documents, he was not permitted to join his duties. The petitioner has been retrenched without any notice and compensation. The mandatory provision of Section 25-F of the Industrial Disputes Act, 1947 (hereinafter referred to as the 'act') has also been ignored. The termination of the petitioner is illegal as per admission of respondent before the Conciliation Officer. The misconduct of the petitioner could not be sustained in the eyes of law as the services of the petitioner have been dispensed with without affording him due opportunity. The termination is illegal and he prayed for the relief.

3. Summon of the reference was given to the respondent, but the respondent has failed to appear despite service on 25-6-2003. Hence proceeded against ex-parte. Thereafter, the case was listed for ex-parte evidence of the petitioner. The following point arose for determination from this reference:—

"Whether the removal of the petitioner by the respondent after giving medical from 21-2-1998 is legal, if not to what relief the petitioner is entitled".

4. In order to prove the case, the petitioner has examined himself and one Shri Vivek Gupta, Junior Engineer. The only stand of the petitioner is that he was engaged as beldar by the respondent on 2-6-1995 and he continued in the service till 20-2-1998 without any break. Suddenly when he fell ill on 20-2-1998, he was taken to hospital where he remained under treatment till 24-10-2000. He has further stated that he intimated about his illness to the respondent and also prayed for the leave. He furnished his fitness certificate Ex.PW-1/C and also tried to join his duty, but he was declined stating that his services stand terminated by the respondent. No show cause notice or compensation has been paid to him.

5. PW-2 is Shri Vivek Gupta, JE who has specifically stated that he has brought the record which was summoned. The mandays chart of the petitioner is Ex.PW-2/A. He has admitted that as per letter Ex.PW-2/B, the respondent has taken the plea that the petitioner has abandoned the job himself. No show cause notice or enquiry was held and no charge sheet was ever issued to the petitioner.

6. From the scrutiny of the oral as well as documentary evidence, there is no dispute about the engagement of the petitioner as beldar by the respondent from 2-6-1995 to 20-2-1998. It has also been proved that the petitioner was admitted in the hospital on 2-3-1998 and remained admitted till 23-3-1998. There is nothing on record to show why the petitioner failed to resume his duty immediately when he was discharged from hospital on 23-3-1998.

7. As the respondent has failed to appear before the Court despite service, they have even not filed any application for setting aside ex-parte order when their JE Shri Vivek Gupta stepped into the witness box alongwith record. There is no rebuttal that the petitioner has not resumed his duty as per fitness certificate dated 24-10-2000. There is also no denial that the petitioner had not fell ill while on duty on 20-2-1998. It is well settled that in case the workman is to be removed from service, mandatory provisions of the 'act' are required to be followed. In the case in hand, the respondent has not bothered to follow the mandatory provisions of Section 25-F of the 'act' as no notice or retrenchment has been paid to the petitioner. From the perusal of the mandays chart Ex.RW-2/A, the petitioner has completed

308 days in 1996 and 331 days in 1997. Meaning thereby that he worked for more than 240 days in proceeding year and his services cannot be terminated unless the mandatory provisions of Section 25-F of the 'act' is strictly followed, which is missing in the case in hand. The petitioner has proved that he was employed by the respondent on 2-6-1995 and he remained on duty till 20-2-1998, which fact has not been denied. Further, the respondent cannot refuse the petitioner to resume his duty unless proper procedure as per Section 25-F is not followed. Further the respondent remained absent despite service, which also suggests that they have nothing to say in the matter. Accordingly, the present reference is answered and the petitioner is ordered to be re-instated in service from the date of reference i.e. 27/3/2003. However he is not entitled for any back wages as he himself remained quite for number of years.

8. Before parting with the order, I would like to point out that the Government agencies are so negligent in defending their cases as they have no time to defend the cases before the Court and because of their inaction, the concerned departments are suffering heavy losses. In the case in hand, the Municipal Corporation is made to suffer financially as the officers/officials of the corporation are having time to look into the matter or defend the cases on behalf of the corporation despite service. It is a very serious lapse and suitable action is required to be taken against the officer/official who failed to defend the response before the Court. Let a copy of this award be sent to the appropriate government for publication in the official gazette and also a copy of this award be sent to Commissioner, Municipal Corporation, Shimla for compliance.

Announced in the Open Court today this 22<sup>nd</sup> day of June, 2006.

Seal.

L. N. SHARMA,  
Presiding Judge,  
H. P. Industrial Tribunal-cum-  
Labour Court, Shimla

In the Court of Shri L. N. Sharma, Presiding Judge, H.P.  
Labour Court, Shimla

Reference No. 350/2002

Shri Gain Singh

V/s

D.F.O. Forest Division Solan, H.P.

28-6-2006.

Present : Shri J.C. Bhardwaj, AR with Petitioner.

Shri T. C. Kainthla, Ld. DDA with  
Shri Amar Lal, BO.

The reference has been received from the appropriate government for adjudication by this Court.

Conciliation tried. The petitioner has stated that in case the department provide him seasonal work, he will not press the present reference as per the statement of petitioner recorded. Shri Amar Lal Sharma, Block Officer, Joharjee who is present has stated that the department will engage the petitioner on seasonal work as and when available.

In view of the settlement, the present reference is dismissed as not pressed. However, the Forest Department is directed to engage the petitioner on seasonal work as and when available. Dasti copy be given to Block Officer. Let a copy of this order be

sent to appropriate government for publication in the official gazette.

Announced.

Seal.

L. N. SHARMA,  
H.P. Industrial Tribunal-cum-  
Labour Court, Shimla.

In the Court of Shri L. N. Sharma, Presiding Judge, H.P.  
Labour Court, Shimla

Reference No. 48 of 1998  
Instituted on : 6-6-1998  
Decided on : 21-6-1998

Shri Rameshwar Dass s/o Late Shri Baraini Ram, Village  
and P. O. Chamdar, Tehsil Ramsahar, District Solan, H. P.

... Petitioner.

*versus*

The Regional Manager, Himachal Road Transport  
Corporation, Nahan

... Respondent.

Reference under Section 10 of the Industrial Disputes  
Act, 1947.

For petitioner : Shri O.P. Sharma, Advocate.  
For respondent : Shri Shashi Shirshu, Advocate.

### AWARD

The following reference has been received for adjudication  
by this Court from the appropriate court.

"Whether the penalty of removal from services inflicted upon Sh. Rameshwar Dass s/o Shri Naraino Ram Conductor from 31-12-1993 by the Regional Manager, Himachal Road Transport Corporation, Nahan, Distt. Sirmour (H.P.) commensurate with the offences allegedly committed by him, if any, and if not, to what relief and lesser punishment, this workman is entitled to?"

2. The petitioner has alleged that he was appointed as conductor or as per appointment letter dated 17-2-1981. While on duty in the year, 1989, he was charge-sheeted by the Regional Manager, HRTC, Parwanoo on the ground that the applicant has attempted to defraud the Corporation of its legitimate revenue Rs. 37/- by way of carrying passengers without tickets in HRTC Bus No: HPA-6372 on 10-1-1989 and Bus No: HPA-1018 dated 23-4-1989. After the charge-sheet, the enquiry was started in the year, 1991 after 2 years. The Regional Manager, who was the Disciplinary Officer issued charge sheet during July, 1989 and later on Inquiry Officer was appointed in 1991 which was totally against the CCS & CCA Rules, 1965. As per the rule, disciplinary officer can issue charge sheet, but cannot conduct enquiry at the same time. The procedure followed is against the natural justice. The Inquiry Officer has not considered the record of the Checking Squad dated 10-1-1989 and a false report was made against the petitioner as the bus was not checked on 10-1-1989. It has come in evidence that the entire record relating to the checking of this bus was missing on 1-2-1989. Meaning there by that a false case has been framed by the checking officials. In another case, the petitioner has produced the witnesses who

were actually traveling in the bus on 23-4-1989 at the time when the bus was checked near Kotla on 23-4-1989. The passengers whose statements were recorded was Shri Chaman Lal s/o Shri Chet Ram. This witness has stated that on 23-4-1989 when he was traveling in a mini bus from Solan to Massure alongwith 3 other passengers and after completion the journey up to Massure then, he traveled from Massure to Kotla alongwith 2 persons. He purchased 3 tickets amounting to Rs. 1.50 paise from the conductor of bus No. HPA 1018. The passenger produced the ticket of Mini Bus No. 1358 of Rs. 14/- for 4 passengers from Solan to Massure. The petitioner further alleged it clearly proves that the passengers were traveling from Solan to Massure in mini bus and thereafter from Massure to Kotla in bus No. HPA 1018. No case has been proved against the petitioner. The enquiry was completed after 3 years and the enquiry report was sent to the disciplinary authority. The Disciplinary Authority has issued Memo dated 7-7-1992 with the conclusion that the petitioner is not fit person to be retained in the HRTC and proposed the penalty of removal from service. The proposed penalty was major and service of the petitioner was terminated by the Deputy Divisional Manager, HRTC vide letter dated 5-12-1992. The petitioner challenged the termination before Hon'ble Administrative Tribunal who after going through the application and document, sent the petition to respondent for considering the same as representation and also decide the same after giving personal hearing to the applicant within 3 months. The operation of the termination order dated 5-12-1992 was also stayed. As per direction of the Hon'ble Administrative Tribunal, the petitioner was permitted to join his duty w.e.f. 22-2-1993. After two months, the Deputy Divisional Manager, Nahan has issued letter dated 22-4-1993 asking him to present himself before the Managing Director in connection with the personal hearing of the case. The petitioner appeared on 4-5-1993, but the Managing Director has not heard anything and the Managing Director gave the same finding mentioning that he agreed with the finding of the Inquiry Officer. The services of the petitioner were terminated on 27-6-1993. Against this termination order dated 27-6-1993, he approached the Hon'ble High Court and as per direction, he was again re-engaged as conductor w.e.f. 31-7-1993. The HRTC has challenged the order before the Hon'ble Supreme Court with a plea that the Hon'ble High Court has no jurisdiction in the matter and on the basis of this order, the order of Hon'ble High Court has been set aside. A direction was also given that the case be decided in the light of Administrative Tribunal Act, 1985 by the Hon'ble High Court. The Hon'ble High Court again uphold the preliminary objection that the writ petition is not maintainable and the same has been dismissed vide order dated 30-12-1993. The respondent has rejected the representation of the petitioner and penalty of removal of service was imposed upon him. The termination order may be termed as simple retrenchment as it is bad and the principle of 'last come first go' has been violated in the present case as there are many juniors in the department still serving when the services of the petitioner was terminated. He prayed for the relief.

3. The claim of the petitioner has been strongly contested by the respondent by taking preliminary objection that the petitioner has no cause of action. The claim petition is not filed by the legally constituted union nor the petitioner is a member of such trade union and as such the petition is not maintainable. The petitioner has concealed the material facts from the Court. Hence, the petition is liable to be dismissed.

4. On merits, they have admitted that the petitioner was appointed as conductor and he was removed from service on the basis of the enquiry conducted. They have further submitted that the petitioner has never objected the Inquiry Officer at the initial stage and now he cannot be allowed to raise this plea at this belated stage. The Inquiry Officer has considered all the



evidence documentary as well as oral during the enquiry and thereafter he gave the finding. They have admitted that after the removal of the petitioner, he was re-engaged as per direction received and thereafter, the petitioner was disengaged vide order dated 18-6-1993. The representation has been rejected after due opportunity, the penalty of removal from service is imposed. They have denied the remaining contents and prayed for the dismissal of the petition.

5. No rejoinder has been filed and on the basis of the pleadings of the parties, the following issues were framed by this Court on 4-6-2002.

- (1) Whether the penalty of removal of the petitioner does not commensurate with the offence allegedly committed, if so what relief? OPP.
- (2) Whether the claim is bad in view of the preliminary objections No. 2 & 3? OPP.
- (3) Relief.

6. Both the parties have lead their evidence. I have heard the learned counsel for the parties. I have gone through the entire oral as well as documentary evidence. For the reasons to be recorded hereinafter, my findings on the aforesaid issues are as under:

#### FINDINGS

Issue No. 1 : No

Issue No. 2 : Not pressed.

Relief : Reference answered vide operative part of the award.

#### REASONS FOR FINDINGS

Issue No. 1.

7. In order to prove the case, the petitioner has stepped into the witness box and he supported the entire contents of his petition. He has stated that he was charge-sheeted for the embezzlement of government money in the year, 1989. There were two allegations against the petitioner regarding embezzlement of Rs. 26.50 paise and Rs. 10.50 paise and also negligence of duties. He was found guilty of one charge and remaining charges were not proved. No copy of the enquiry report has been supplied to him, but he received show cause notice. He has been wrongly removed from service and the order of the Managing Director is illegal. In cross-examination, he has stated that he has filed the writ petition against the order before the Hon'ble High Court and he admitted his signatures on the petition. He has stated that he was given to him to defend his case during enquiry. He has admitted that he was duly represented by a Defence Assistant namely Shri Sat Pal. The departmental witnesses were not cross-examined by his Defence Assistant. He has denied that the witnesses were cross-examined. The witness also admitted that he filed the written submission during the enquiry and he was given due opportunity of being heard. He has denied that the appeal was duly heard by the Managing Director and he disposed it off. The witness however, stated that he was called and his particulars were asked, but no personal hearing was given. He has denied that he received money from the passengers and no ticket was issued by him. He has denied that he pocketed the money. He has denied that the incident on the basis of which he was charge-sheeted was correct and related to non-issuance of ticket by him

to 5 passengers from Solan to Dharja and 2 passengers from Solan to Giripul. He has denied that he embezzled Rs. 375/-.

8. The respondent also examined one Shri Harbans Kumar, Traffic Manager, HRTC, Solan who was the Chief Inspector at the time of checking of the bus. This witness has stated that on 10-1-1989, the Flying Squad has checked bus No. HPA 6372 which was going from Solan to Chakhal and the petitioner was the conductor. The bus was checked by him alongwith Shri Khyali Ram Hauta, Chief Inspector and Sita Ram Inspector. 18 passengers were traveling in the bus and out of which 7 passengers were found to be without ticket. They were travelling from different stations. 5 passengers were travelling from Solan to Dharja and 2 were travelling from Solan to Giripul. The petitioner has taken fare charges of Rs. 26.50, but has not issued the tickets to them. He made the entry about the charges in the way bill and unpunched tickets of the value of Rs. 26.50 were taken from the petitioner in lieu of tickets not issued by him to the aforesaid passengers. He thereafter, prepared report on checking, copy of which is EX. RW-1/A.

9. In cross-examination the witness has stated that he has not recorded the statement of the passenger travelling in the bus regarding taking the money and issuing ticket by the conductor. He has denied that it was the duty of the passengers to obtain tickets from the conductor. He has also denied, that when the bus was checked, the conductor was about to issue tickets. But in the mean time, they have taken possession of the tickets. 5 passengers who got down from the bus at Dharja were asked to show their tickets, but they have stated that they have given the money to the conductor and the conductor has not issued the tickets to them. The petitioner was confronted and he admitted that he had not issued tickets to those passengers. He has denied that the conductor had taken out the tickets from ticket book for being issued to the aforesaid passengers and was yet in the process of punching the same when the tickets were taken from him.

10. RW-2 is Shri B. R. Sharma who was posed as Deputy Divisional Manager in Shimla. On the receipt of the enquiry report Ex. RW-2/A submitted by Late Shri S. R. Dogra, He identified his signatures. The witness has issued show cause to the petitioner which is Ex. RW-2/B, but no reply has been received from the petitioner. Thereafter, he was removed from service as per document Ex. RW-2/C. In cross-examination, he has stated that the Appointing Authority in respect of the conductor is changing from time to time. Earlier, it was Regional Manager, but later on Head of Office become the Disciplinary Authority of conductors. On receipt of enquiry report Ex. RW-2/A, he considered the same alongwith the record and after due application of mind he passed the orders. He has denied the order Ex. RW-2/C is not speaking order. He has denied that the punishment awarded against the petitioner is highly disproportionate to the alleged misconduct. He do not know any conductor by name Nadar Ali and also not aware that the case was also of like nature and he was awarded right punishment of stoppage of increment. He has denied that the petitioner was dealt with in an arbitrary manner in violation of Article 14 & 16 of the constitution. The witness has denied that the petitioner was dealt with by him without due application of mind.

11. From the perusal of the oral as well as documentary evidence, the only stand taken by the petitioner is that disproportionate punishment has been awarded to him. No doubt, he has denied his involvement in the case, but in the cross-examination of RW-1, the witness has stated that the petitioner was in a process of issuing the tickets, but in the mean time, the bus was checked by the Flying Squad and he could not issue the tickets to the passengers who boarded the bus from Solan to

Dharja/Giripul. It has been argued that Dharja is about 15 Kms from Solan and Giripul is about 20 Kms. There is no explanation given by the petitioner that how he could not issue tickets to the passengers for such a long distance. His other grievance is that no proper enquiry has been conducted and he was not given due opportunity, but his plea has been destroyed by himself when in the cross-examination, he himself has admitted that he was represented by his Defence Assistant namely Shri Sat Pal, but the departmental witnesses were not cross-examined by his Defence Assistant, which is not understood. If the Defence Assistant was not fair to him, he should have changed him. There is nothing on record to show any bias or ill will of the Flying Squad with the petitioner. The petitioner has introduced a new case in the cross-examination of RW-2 Shri B. R. Sharma when he suggested that he was awarded highly disproportionate punishment whereas another conductor namely Shri Nadar Ali who is having similar case has been left with stoppage of increment meaning thereby that the petitioner himself has not issued the tickets to the passengers and he misappropriated the amount so collected from them. During the enquiry, the Inquiry Officer examined Shri Khyali Ram, Chief Inspector and Shri Sita Ram, Inspector and both the witnesses have stated that if they would have not checked the tickets. The entire amount would have been misappropriated by the petitioner. Both the witnesses were cross-examined by the Defence Assistant as is evident from the enquiry report, copy of which is Ex. RW-1 'A' placed on the Court file. Even the petitioner examined one Shri Chaman Lal in his defence to prove his plea that he could not issue ticket has not been proved by him.

12. Learned counsel for the respondent has strongly argued that the petitioner has failed to show any illegality in the enquiry report or the action taken against him. The petitioner himself has admitted his fault when he cross-examined RW-1. It has also been proved that due opportunity was given to the petitioner. He himself has admitted that he was called for personal hearing by the Divisional Manager. Hence, there is no illegality in the termination of the petitioner. Since it has been proved that he has not issued the tickets to the passengers which is a misconduct and dishonesty. He has placed reliance on 2004 AIR SCW 5530 titled Regional Manager, Rajasthan State Road Transport Corporation *Versus* Sohan Lal, etc. Relevant Para reads as under:—

"Assuming for argument sake that the High Court by the impugned order proceeded on the basis that though the misconduct is proved the punishment was disproportionate and it is on that basis that the impugned order is made even then we are unable to agree with the order of the Appellate Bench of the High Court because it is not the normal jurisdiction of the superior courts to interfere with the quantum of sentence unless the said sentence is wholly disproportionate to the misconduct proved. No such finding has been recorded by the Appellate Bench in the impugned order. Since the misconduct proved is one of dishonesty, the quantum of loss is immaterial, it is the loss of confidence that matters. In such a situation if the Tribunal chooses to uphold the order of dismissal and refuse to interfere with such termination and the learned single Judge of the High Court agreed with the said order of the Tribunal, the Appellate Bench ought not to have interfered with the quantum of sentence. Having perused the facts of the case we are in agreement with the finding of the Tribunal as well as the learned single Judge, hence, we are of the considered opinion that the Appellate Bench fell in error in interfering with the orders of the courts below merely on the basis of offer made by the appellant before it."

13. The learned counsel for the respondent has also argued that administrative decision cannot be interfered unless

the punishment is shockingly disproportionate and placed reliance on 2005 AIR SCW 95 titled Damoh Panna Sagar Rural Regional Bank and another *Versus* Munna Lal Jain.

14. The learned counsel for the respondent has argued that it has been proved on record that the passengers were found without tickets in the bus which fact has not been denied by the petitioner except that he was in the process of issuing tickets. He could not prove anything on record why he could not issue the tickets from Solan to Dharja which is 15 Kms. There is nothing on record to prove that no due opportunity was given to the petitioner to defend himself. Moreover, the petitioner himself has failed to show any illegality in the enquiry report.

15. In view of the above discussion, the penalty imposed upon the petitioner cannot be said to be disproportionate to the misconduct proved against him as has been held by the Hon'ble Supreme Court in KARNATAKA STATE ROAD TRANSPORT CORPORATION *V.S.* B.S. HULLIKATTI 2001-1-L.J-179 AND REGIONAL MANAGER, R.S.R.T.C. *V.S.* GHANSHYAM SHARMA, 2002-1-L.J-264. Accordingly, the issue is decided against the petitioner.

Issue No. 2 :

16. The respondents have not addressed any arguments on this issue, which is accordingly decided as not pressed.

#### RELIEF

17. In view of my findings on aforesaid issue No.1, there is no merit in the petition. Accordingly, the reference is answered against the petitioner. Let a copy of this award be sent to the appropriate Government for publication in the official gazette.

Announced in the Open Court today this 21<sup>st</sup> day of June, 2006.

Seal.

L. N. SHARMA,  
Presiding Judge,  
H. P. Industrial Tribunal-cum-  
Labour Court, Shimla

In the Court of Shri L. N. Sharma, Presiding Judge,  
H. P. Labour Court, Shimla

Reference No. 342 of 2003  
Instituted on : 12-12-2003  
Decided on : 27-6-2006

Shri Raj Kumar s/o Shri Motu Ram, r/o Village & P.O. Tandi,  
Tehsil Anni, District Kullu, (H. P.) .....Petitioner.

*Versus*

1. A.S.E. Kashang Construction Division No. II, H.P.S.E.B.  
Jeori, Tehsil Rampur, District Shimla.

2. The Additional Superintending Engineer, Kashang  
Construction Division, No. II, HPSEB Jeori, Tehsil Rampur,  
District Shimla (H.P.) .....Respondent.

Reference under Section 10 of the Industrial Disputes  
Act, 1947.

For petitioner : Shri S.S. Desta, Advocate.  
For respondents : Ex-parte.

## AWARD

The following reference has been received for adjudication by this Court from the appropriate Government:

"Whether the termination of services of Shri Raj Kumar s/o Shri Motu Ram, workman by the Additional Superintending Engineer, Kashang Construction Division No. II, HPSEB Jeori, Tehsil Rampur, District Shimla w.e.f. 2-7-1994 without complying the provisions of the Industrial Disputes Act, 1947 is proper and justified? If not, what relief of service benefits Shri Raj Kumar is entitled to?"

2. The petitioner has filed the claim wherein he has alleged that he was appointed as Chowkidar on daily wage basis w.e.f. 29-5-1988 in Nathpa Jhakri Construction Sub-Division No. 3, Division No. 1, HPSB Bhakra. The petitioner was earlier posted as beldar in Haspa Investigation Sub-Division as per order dated 22-2-1992. The respondent board has also maintained his service book and as per entry, the petitioner is shown as Gate Attendant and he was brought on temporary cadre as per letter dated 16-5-1991. The petitioner served under the respondent till 1994 and he had completed 240 days of service in each calendar year. The service of the petitioner has been terminated illegally in the month of July 1994 without any reason or notice. No retrenchment compensation has been paid and he prayed for the relief.

3. Respondents were served, but none appeared on 6-8-2004 and they have been proceeded *ex-parte*. Thereafter an application for setting aside *ex-parte* order has been filed on 25-4-2005 which application has been allowed subject to payment of Rs. 200/- vide order dated 25-10-2005 and the case was fixed for reply on 23-12-2005. No reply has been filed and adjournment prayed which was allowed and the case was listed for 28-2-2006. On 28-2-2006 none on behalf of the respondent appeared. Hence, the respondents have been proceeded *ex-parte* and the case was listed for petitioner evidence.

4. On the basis of the pleadings, the following point arise for determination:

"Whether the termination of the service of the petitioner w.e.f. 2-7-1994 without complying with the provisions of Industrial Disputes Act, 1947 is illegal? If so, its effect?"

5. In order to prove the case, the petitioner appeared in the witness box and he had supported the entire contents of the petition. He has stated that he was engaged as Chowkidar on 29-5-1988 and thereafter shifted as Gate Attendant on 16-5-1991. The petitioner was also brought on temporary cadre as per entry made in the Service Book Mark X. The petitioner was also transferred to Jeori as beldar on 22-2-1992 where he joined on 26-2-1992. He was working on regular basis and completed 240 days in all calendar year. No notice or retrenchment compensation has been paid to him. His services were illegally terminated. Junior to him S/Shri Pradeep Saraswati, Lias Ram, Nehal Chand, Om Parkash etc., are regularized. He is working in his village and prayed for the relief.

6. From the scrutiny of the oral as well as documentary evidence, it has been proved that the petitioner was appointed as beldar w.e.f. 29-5-1988 as per letter Ex. PA placed on the Court file. Further from the perusal of the copy of the service book Mark-X, it has been proved that the petitioner has been transferred and posted as Gateman by the Assistant Executive Engineer. Even the earned leave was sanction in his favour from 21-4-1992 to 30-4-1992. It has been proved that the petitioner remained on duty from 29-5-1988 till 2-7-1994 when his services were terminated. The respondent has miserably failed to prove as to why the service of the petitioner has been terminated. No

notice or retrenchment compensation as per law has been paid to the petitioner. The petitioner has completed 240 days in each calendar year and even he was brought on temporary cadre as per entry appearing in the Service Book Mark-X since 16-5-1991. There is clear breach of Section 25-F of the Industrial Disputes Act, 1947 as the respondent has terminated the service of the petitioner illegally without complying with the provision of the 'Act'. The removal of the petitioner is held to be illegal and he is entitled for relief. Accordingly, the point is answered in favour of the petitioner.

7. In view of my findings on Point No. 1, the present reference is allowed and the removal of the petitioner is held to be illegal. The petitioner is entitled to be re-instated w.e.f. 2-7-1994. The petitioner is held entitled to claim 25% back wages with all benefits. Let a copy of this award be sent to appropriate Government for publication in the official gazette.

Announced in the Open Court today this 27<sup>th</sup> Day of June, 2006.

Seal.

L. N. SHARMA,  
Presiding Judge,  
H. P. Industrial Tribunal-cum-  
Labour Court, Shimla.

In the Court of Shri L. N. Sharma, Presiding Judge, H. P.  
Labour Court, Shimla

Reference No. 41 of 2006

Shri Salim Ahmed General Secretary, Nahan Foundary  
Mazdoor Panchayat Union.

Versus

Executive Engineer, HPPWD/IPH State Workshop,  
Nahan.

S-6-2006

Present : Non for the petitioner.  
Shri Sandeep Attri, LD. ADA for respondent.

Case called thrice, but none has appeared on behalf of the petitioner union despite service through registered AD received, which clearly proves that the petitioner is nothing to say in the matter. Accordingly, the present reference is answered as dismissed. Let a copy of this award be sent to the appropriate Government for publication in the official gazette.

Announced.

Seal.

L. N. SHARMA,  
Presiding Judge,  
H. P. Labour Court, Shimla.

In the Court of Shri L. N. Sharma, Presiding Judge, H. P.  
Labour Court, Shimla

Reference No. 98 of 2006  
Instituted on : 5-4-2003  
Decided on : 3-6-2006

Shri Majin Deen s/o Shri Karam Deen, Vill. Kohhu Lower  
P.O. Kohu, Tehsil Nalagarh, Distt. Solan ...Petitioner.

Versus

Executive Engineer, HPSEB Elect. Division, Nalagarh,  
District Solan ...Respondent.

Reference under Section 10 of the Industrial Disputes  
Act, 1947.

For petitioner : Shri S. S. Sippi, AR  
For respondent : Shri Bhagwan Chand, Advocate.

#### AWARD

The following reference has been received for adjudication from the appropriate Government:—

"Whether the termination of services of Shri Latif Deen s/o Shri Karam Deen by the Executive Engineer, H.P.S.E.B (Electrical) Division Nalagarh, Distt. Solan (H. P.) w.e.f. 21-2-1990 without complying the provisions of the Industrial Disputes Act, 1947 is proper and justified? If not, what relief of service benefits, seniority, back-wages and amount of compensation the aggrieved workman is entitled to?"

2. The petitioner has alleged that he was engaged as T-Mate by the respondent on 26-9-1986 and he worked continuously upto 21-2-1990. His services were wrongly terminated without any reason or notice. The petitioner has raised the dispute before the Hon'ble Administrative Tribunal from where the case was sent to the respondent for considering the same as representation and the same be decided. The representation has also been rejected by the respondent on 23-2-2000 illegally. The posts are still lying vacant, but his services were terminated illegally and thereafter the department engaged S/Shri Partap Singh, Mansa Ram, Het Ram and Bhagat Ram etc. who were junior to him. The respondent has also not followed the provisions of Standing Orders. The petitioner has completed 240 days continuous service and his services cannot be terminated without serving one month notice and retrenchment compensation. The respondent has also not followed the provisions of Section 25-H of the Industrial Disputes Act, 1947 (hereinafter referred to as the 'act'). The termination of the petitioner is illegal and he prayed for the relief.

3. The petition has been strongly contested by the respondent taking preliminary objection that the petition is bad for non-joinder of necessary parties and is barred by limitation. The petitioner is having no legal right and is also estopped from filing the same due to his own act, conduct and acquiescence. The petitioner is having no cause of action. The petitioner has not completed 240 days of service which fact was considered as per representation and the same was rejected vide order dated 23-2-2000.

4. On merits, the respondent has denied all the contents of the petition except that the petitioner was engaged as T-Mate on 26-9-1986 and not on 26-9-1986 as alleged. It has also been stated that the petitioner left the job at his own on 25-3-1988 and

his services were not terminated on 21-2-1990 as alleged. They have further admitted that the petitioner filed the claim before the Administrative Tribunal who sent the petition to be consider as representation. The respondent has considered the same and after going through the record, the representation has been rejected. The claim was not filed within time and no reason for filing the same at a belated stage has been given. The petitioner has only worked under the respondent from 26-12-1986 to 25-3-1988 with breaks and thereafter he left the job at his own. They have denied the remaining contents and prayed for the dismissal.

5. The petitioner has filed the rejoinder wherein he has controverted the stand taken in the reply and reiterated the stand taken in the petition and prayed for the relief.

6. On the basis of the pleadings of the parties, the following issues were framed by this Court on 17.5.2005:—

- Whether the termination of the service of the petitioner by the respondent w.e.f. 21-2-1990 without complying the provisions of I.D. Act, 1947 is proper and justified? OPR.
- If issue No. 1 is proved, to what relief of service benefits, seniority, back wages and amount of compensation the workman is entitled to? OPP.
- Whether the petition is time barred as alleged? OPR.
- Whether the petition is bad for misjoinder and non-joinder of the necessary parties? OPR.
- Whether the present claim petition is against the replying respondent on account of his act, conduct and acquiescence? OPR.
- Relief.

7. Both the parties have lead their evidence. I have heard both the parties and have also gone through the record. For the reasons to be recorded hereinafter, my findings on the aforesaid issues are as under:—

#### FINDINGS

- Issue No. 1 : Yes.  
Issue No. 2 : Not entitled to any relief.  
Issue No. 3 : Yes.  
Issue No. 4 : Not pressed.  
Issue No. 5 : Not pressed.  
Relief : Reference answered vide operative part of the award.

#### REASONS FOR FINDINGS:

Issue No. 1 & 2 :

8. Both these issues are interlinked and are taken up together for discussion and decision. Petitioner in order to prove the case tendered his affidavit in support of the evidence as Ex. PW-1.A. In cross-examination he has denied that he was engaged on 26-12-1986 but admitted that he worked till 25-3-1988. He has also admitted that he had not worked continuously. The petitioner has denied that he left the job at his own. He alleged that his services were terminated. He has denied that he never approached the Board after the direction of

the Administrative Tribunal, but stated that he was never called. The witness further stated that the department used to discharge them from services, when no work was available. They had not given anything in writing to the Board after the decision of the Administrative Tribunal. The witness also denied that no junior was engaged but stated that S. Shri. Bhagat Ram, Ved Parkash, Het Ram and Mansa Ram were engaged after their removal, but cannot prove his contention.

9. The respondent has also examined one Shri Surjit Singh, Assistant Engineer who has stated that the petitioner was engaged on 26-12-1986 and worked till 25-3-1988. The petitioner remained absent and he abandoned his job on 26-3-1988 as he never came back to join his duties thereafter. The petitioner challenged his termination before the Hon'ble Administrative Tribunal which has sent the same to the Board for consideration as representation. There was no violation of any provision of the 'act'. The mandays chart is Ex. RW-1 A. In cross-examination, the witness has admitted as per mandays chart the petitioner has completed 240 days. He has denied that the petitioner was engaged 26-9-1986 and he worked till 21-2-1990. He has admitted that Board has framed the Standing Orders for the daily paid workers. No show cause notice or enquiry was held for the absence and abandonment of job by the petitioner. The Executive Engineer is the appointing authority of the daily wagers. He has admitted that no notice or retrenchment compensation has been paid to the petitioner. He has denied that S. Shri Partap Singh, Mansa Ram, Het Ram and Bhagat Ram junior persons have been appointed.

10. From the perusal of the record, it has been proved on record that the petitioner was engaged by the respondent not on 26-9-1986 but on 26-12-1986. The petitioner has alleged that his services were terminated on 21-2-1990, whereas the case of the respondent is that the petitioner left the job on 25-3-1988. It is well settled that the petitioner has to prove that he worked continuously for 240 days in a preceding years and his services were illegally terminated, but in the case in hand, the petitioner could not prove anything on record that he worked for more than 240 days. The respondent on the other hand however produced mandays chart which shows that the petitioner worked for 6 days in 1986, 362 days in 1987, 85 days in 1988 but there is nothing on record to prove that the services of the petitioner were terminated by the respondent without any notice or compensation. It has been proved by the respondent that the petitioner himself has left the job at his own on 25-3-1988 and thereafter he never turned back.

11. The petitioner could not prove on record that his junior S. Shri Partap Singh, Mansa Ram, Het Ram and Bhagat Ram were engaged after his removal. Hence, he is not entitled to claim any benefit under Section 25-H of the 'act'. Similarly, the petitioner could not prove that his services were terminated by the respondent board. Learned AR for the petitioner has strongly argued that the respondent board has not followed the provisions of H. P. State Electricity Board Industrial Employment Standing Orders Section 14 (i) as no notice as required under Section 14 (2) has been served. Hence, the petitioner is entitled for his re-instatement. But the argument of the learned AR cannot be accepted as the application of the Standing Order has been exempted as per notification issued by the State of Himachal Pradesh dated 11-9-1985. The relevant portion of the notification is reproduced:

"In exercise of the powers conferred by him under Section 14 of the Industrial Employment (Standing Order) Act, 1946 (Act No. XX of 1946), the Governor of Himachal Pradesh is pleased to exempt the establishment of Himachal Pradesh State Electricity Board from all the provisions of the said Act."

12. The other argument of the learned AR is that the enforcement of Standing Orders cannot be exempted through notification, but again the argument of the learned AR cannot be accepted in view of Section 14 of the Industrial Employment (Standing Orders) Act, 1946. Relevant provision is reproduced:

14. Power to exempt.—The appropriate Government may by notification in the Official Gazette exempt, conditionally or unconditionally any industrial establishment or class of industrial establishments from all or any of the provisions of this Act."

13. In view of the above discussion as the petitioner has failed to prove that his services were terminated by the respondent without any notice and compensation or junior has been retained in the services. Accordingly, both the issues are decided against the petitioner.

Issue No. 3 :

14. The onus to prove issue was on the respondent. It has been proved on record that the petitioner has left the job somewhere in March 1988, and the present dispute has been agitated by him somewhere in 2002. The reference received in the Court in April 2003 which means that the petitioner remained quite for over 14 years. It has further been pointed out that the petitioner has agitated the similar matter earlier before the Hon'ble Administrative Tribunal which case was sent to the respondent board for considering as representation of the petitioner, but the same has been rejected after due consideration vide order dated 23-2-2000. Further the petitioner has left the job without any permission and remained quite till 2002, which clearly proves that he abandoned the job himself as per law laid down by our own Hon'ble High Court in 2005 (1) Shim. L.C. 79 titled Nagar Parishad Bitaspur Vs. Bone Ram & another. The petitioner for the first time agitated the matter in December 1999 meaning thereby that he remained quite for about 14 years. Hence, the claim of the petitioner is barred by limitation as per law laid down by Hon'ble Supreme Court in (2001) 1 SCC 424, titled Indian Iron & Steel Com. Ltd. Vs. Prahlad Singh. Accordingly, issue is decided against the petitioner.

Issue No. 4 & 5 : Not pressed.

RELIEF

15. In view of my findings on the aforesaid issues, there is no merit in the reference and is accordingly answered. Let a copy of this award be sent to the appropriate Government for publication in the official gazette.

Announced in the Open Court today this 3<sup>rd</sup> day of June, 2006.

Seal.

L. N. SHARMA,  
Presiding Judge,  
H. P. Industrial Tribunal-cum-  
Labour Court, Shimla.

In the Court of Shri L. N. Sharma, Presiding Judge, H.P.  
Labour Court, Shimla

Ref. No. 164 of 2003

Instituted on : 5-4-2003

Decided on : 3-6-2006

Shri Latif Deen s/o Shri Karam Deen, Vill. Kohnu Lower  
Nalagarh, Distt. Solan  
...Petitioner.

Versus

Executive Engineer, HPSEB Elect. Division, Nalagarh,  
District Solan  
...Respondent.

Reference under Section 10 of the Industrial Disputes  
Act, 1947.

For petitioner : Shri S. S. Sippi, A.P.  
For respondent : Shri Bhagwan Chand, Advocate

### AWARD

The following reference has been received for adjudication  
from the appropriate government:—

"Whether the termination of services of Shri Latif Deen S/o Shri Karam Deen by the Executive Engineer, H.P.S.E.B (Electrical) Division, Nalagarh, Distt. Solan, H.P. w.e.f. 21-2-1990 without complying the provisions of the Industrial Disputes Act, 1947 is proper and justified? If not, what relief of service benefits, seniority, back-wages and amount of compensation the aggrieved workman is entitled to?"

2. The petitioner has alleged that he was engaged as T-Mate by the respondent on 26-9-1986 and he worked continuously upto 21-2-1990. His services were wrongly terminated without any reason or notice. The petitioner has raised the dispute before the Hon'ble Administrative Tribunal from where the case was sent to the respondent for considering the same as representation and the same be decided. The representation has also been rejected by the respondent on 23-2-2000 illegally. The posts are still lying vacant, but his services were terminated illegally and thereafter the department engaged S/Shri Partap Singh, Mansa Ram, Het Ram and Bhagat Ram etc. who were junior to him. The respondent has also not followed the provisions of Standing Orders. The petitioner has completed 240 days continuous service and his services cannot be terminated without serving one month notice and retrenchment compensation. The respondent has also not followed the provisions of Section 25-H of the Industrial Disputes Act, 1947 (hereinafter referred to as the 'act'). The termination of the petitioner is illegal and he prayed for the relief.

3. The petition has been strongly contested by the respondent taking preliminary objection that the petition is bad for non joinder of necessary parties and is barred by limitation. The petitioner is having no legal right and is also estopped from the same due to his own act, conduct and acquiescence. The petitioner is having no cause of action. The petitioner has not completed 240 days of service which fact was considered as per representation and the same was rejected vide order dated 23-2-2000.

4. On merits, the respondent has denied all the contents of the petition except that the petitioner was engaged as T-Mate on 26-2-1986 and not on 26-9-1986 as alleged. It has also been stated that the petitioner left the job at his own on 25-3-1988 and his services were not terminated on 21-2-90 as alleged. They have further admitted that the petitioner filed the claim before the Administrative Tribunal who sent the petition to be considered as representation. The respondent has considered the same and after going through the record, the representation has been rejected. The claim was not filed within time and no

reason for filing the same at a belated stage has been given. The petitioner has only worked under the respondent from 26-12-1986 to 25-3-1988 with breaks and thereafter he left the job at his own. They have denied the remaining contents and prayed for the dismissal.

5. The petitioner has filed the rejoinder wherein he has controverted the stand taken in the reply and reiterated the stand taken in the petition and prayed for the relief.

6. On the basis of the pleadings of the parties, the following issues were framed by this Court on 17-5-2005:

- Whether the termination of the service of the petitioner by the respondent w.e.f. 21-2-1990 without complying the provisions of I.D. Act, 1947 is proper and justified? OPR.
- If issue No. 1 is proved, to what relief of service benefits, seniority, back wages and amount of compensation the workman is entitled to? OPP.
- Whether the petition is time barred as alleged? OPR.
- Whether the petition is bad for misjoinder and non-joinder of the necessary parties? OPR.
- Whether the present claim petition is against the replying respondent on account of his act, conduct and acquiescence? OPR.
- Relief.

7. Both the parties have lead their evidence. I have heard both the parties and have also gone through the record. For the reasons to be recorded hereinafter, my findings on the aforesaid issues are as under:

### FINDINGS

- |             |  |
|-------------|--|
| Issue No. 1 | : Yes.   |
| Issue No. 2 | : Not entitled to any relief.                          |
| Issue No. 3 | : Yes.   |
| Issue No. 4 | : Not pressed.   |
| Issue No. 5 | : Not pressed.   |
| Relief      | : Reference answered vide operative part of the award. |

### REASONS FOR FINDINGS

Issue No. 1 & 2:

8. Both these issues are interlinked and are taken up together for discussion and decision. Petitioner in order to prove the case tendered his affidavit in support of the evidence as Ex. PW-1/A. In cross-examination he has denied that he was engaged on 26-12-1986. He has also denied that he had not worked continuously. The petitioner has denied that he left the job at his own. He alleged that his services were terminated. He has denied that he never approached the Board after the direction of the Administrative Tribunal, but stated that he was never called. The witness further stated that the department used to discharge them from services, when no work was available. They had not given anything in writing to the Board after the decision of the Administrative Tribunal. The witness also denied that no junior was engaged, but stated that S/Shri Bhagat Ram, Ved Parkash, Het Ram and Mansa Ram were engaged after their removal, but cannot prove his contention.

9. The respondent has also examined one Shri Surjit Singh, Assistant Engineer who has stated that the petitioner was engaged on 26-12-1986 and worked till 25-3-1988. The petitioner remained absent in 1987 and he abandoned his job on 25-3-1988 as he never came back to join his duties thereafter. The petitioner challenged his termination before the Hon'ble Administrative Tribunal which has sent the same to the Board for consideration as representation. There was no violation of any provision of the 'act'. The mandays chart is Ex RW-1 A. In cross examination, the witness has admitted as per mandays chart the petitioner has completed 240 days. He has denied that the petitioner was engaged on 26-9-1986 and he worked till 21-2-1990. He has admitted that Board has framed the Standing Orders for the daily paid workers. No show cause notice or enquiry was held for the absence and abandonment of job by the petitioner. The Executive Engineer is the appointing authority of the daily wagers. He has admitted that no notice or retrenchment compensation has been paid to the petitioner. He has denied that S/Shri Partap Singh, Mansa Ram, Het Ram and Bhagat Ram junior persons have been appointed.

10. From the perusal of the record, it has been proved on record that the petitioner was engaged by the respondent not on 26-9-1986 but on 26-12-1986. Similarly there is a dispute that the petitioner has alleged that his services were terminated on 21-2-1990, whereas the case of the respondent is that the petitioner left the job on 25-3-1988. It is well settled that the petitioner has to prove that he worked continuously for 240 days in preceding years and his services were illegally terminated, but in the case in hand, the petitioner could not prove anything on record that he worked for more than 240 days. The respondent on the other hand however placed mandays chart which shows that the petitioner worked for 6 days in 1986, 361 days in 1987, 85 days in 1988 but there is nothing on record to prove that the services of the petitioner were terminated by the respondent without any notice or compensation. It has been proved by the respondent that the petitioner himself has left the job at his own on 25-3-1988 and thereafter he never turned back.

11. The petitioner could not prove on record that his junior S/Shri Partap Singh, Mansa Ram, Het Ram and Bhagat Ram were engaged after his removal. Hence, he is not entitled to claim any benefit under Section 25-H of the 'act'. Similarly, the petitioner could not prove that his services were terminated by the respondent board. Learned AR for the petitioner has strongly argued that the respondent board has not followed the provisions of the Electricity Board Industrial Employment Standing Orders Section 14 (i) as no notice as required under Section 14 (2) has been served. Hence, the petitioner is entitled for his re-instatement. But the argument of the learned AR cannot be accepted as the application of the Standing Order has been exempted as per notification issued by the State of Himachal Pradesh dated 11-9-1985. The relevant portion of the notification is reproduced:

"In exercise of the powers conferred by him under Section 14 of the Industrial Employment (Standing Order) Act, 1946 (Act No. XX 1946), the Governor of Himachal Pradesh is please to exempt the establishment of Himachal Pradesh State Electricity Board from all the provisions of the said Act."

12. The other argument of the learned AR is that the enforcement of Standing Orders cannot be exempted through notification, but again the argument of the learned AR cannot be accepted in view of Section 14 of the Industrial Employment (Standing Orders) Act, 1946. Relevant provision is reproduced:

14. Power to exempt.—The appropriate Government may by notification in the Official Gazette exempt, conditionally or unconditionally any industrial

13. In view of the above discussion as the petitioner has failed to prove that his services were terminated by the respondent without any notice and compensation or junior has been retained in the services. Accordingly, both the issues are decided against the petitioner.

Issue No. 3:

14. The onus to prove Issue was on the respondent. It has been proved on record that the petitioner has left the job somewhere in March 1988, and the present dispute has been agitated by him somewhere in 2002 and the reference received in the Court in April, 2003 which means that the petitioner remained quite for over 14 years. It has further been pointed out that the petitioner has agitated the similar matter earlier before the Hon'ble Administrative Tribunal which case was sent to the respondent board for considering as representation of the petitioner, but the same has been rejected after due consideration vide order dated 23-2-2000. Further the petitioner has left the job without any permission and remained quite till 2002, which clearly proves that he abandoned the job himself as per law laid down by our own Hon'ble High Court in 2005 (1) Shim. L.C. 79 titled Nagar Parishad Bilaspur Vs. Bone Ram & another. The petitioner for the first time agitated the matter in December, 1999 meaning thereby that he remained quite for about 14 years. Hence, the claim of the petitioner is barred by limitation as per law laid down by Hon'ble Supreme Court in (2001) 1 SCC 424, titled Indian Iron & Steel Com. Ltd. Vs. Prahlad Singh. Accordingly, the issue is decided against the petitioner.

Issue No. 4 & 5: Not pressed.

# RELIEF

15. In view of my findings on the aforesaid issues, there is no merit in the reference and is accordingly answered. Let a copy of this award be sent to the appropriate government for publication in the official gazette.

Announced in the Open Court today this 3<sup>rd</sup> Day of June, 2006.

Announced.

Seal.

L. N. SHARMA,  
Presiding Judge,  
H. P. Industrial Tribunal-cum-  
Labour Court, Shimla, H.P.

In the Court of Shri L. N. Sharma, Presiding Judge, H.P.  
Labour Court, Shimla

Reference No. 100 of 2003  
Instituted on : 5-4-2003  
Decided on : 3-6-2006.

Shri Hari Dass s/o Shri Sant Ram, Vill. Kohhu Lower, Teh.  
Nalagarh, Distt. Solan  
... Petitioner.

Versus

Executive Engineer, HPSEB Elect. Division, Nalagarh,  
District Solan  
... Respondent



Reference under Section 10 of the Industrial Disputes Act, 1947.

For petitioner : Shri S.S. Sippi, AR.  
For respondent : Shri Bhagwan Chand, Advocate.

### AWARD

The following reference has been received for adjudication from the appropriate government:

"Whether the termination of services of Shri Hari Dass S/o Shri Sant Ram by the Executive Engineer, H.P.S.E.B (Electrical) Division, Nalagarh, Distt. Solan. H.P. w.e.f. 21-2-1990 without complying the provisions of the Industrial Disputes Act, 1947 is proper and justified? If not, what relief of service benefits, seniority, back wages and amount of compensation the aggrieved workman is entitled to?"

2. The petitioner has alleged that he was engaged as T-Mate by the respondent on 26-9-1986 and he worked continuously upto 21-2-1990. His services were wrongly terminated without any reason or notice. The petitioner has raised the dispute before the Hon'ble Administrative Tribunal from where the case was sent to the respondent for considering the same as representation and the same be decided. The representation has also been rejected by the respondent on 23-2-2000 illegally. The posts are still lying vacant, but his services were terminated illegally and thereafter the department engaged S/Shri Partap Singh, Mansa Ram, Het Ram and Bhagat Ram etc. who were junior to him. The respondent has also not followed the provisions of Standing Orders. The petitioner has completed 240 days continuous service and his services cannot be terminated without serving one month notice and retrenchment compensation. The respondent has also not followed the provisions of Section 25-H of the Industrial Disputes Act, 1947 (hereinafter referred to as the 'Act'). The termination of the petitioner is illegal and he prayed for the relief.

3. The petition has been strongly contested by the respondent taking preliminary objection that the petition is bad for non joinder of necessary parties and is barred by limitation. The petitioner is having no legal right and is also estopped from filing the same due to his own act, conduct and acquiescence. The petitioner is having no cause of action. The petitioner has not completed 240 days of service which fact was considered as per representation and the same was rejected vide order dated 23-2-2000.

4. On merits, the respondent has denied all the contents of the petition except that the petitioner was engaged as T-Mate on 26-2-1986 and not on 26-9-1986 as alleged. It has also been stated that the petitioner left the job at his own on 25-3-1988 and his services were not terminated on 21-2-1990 as alleged. They have further admitted that the petitioner filed the claim before the Administrative Tribunal who sent the petition to be considered as representation. The respondent has considered the same and after going through the record, the representation has been rejected. The claim was not filed within time and no reason for filing the same at a belated stage has been given. The petitioner has only worked under the respondent from 26-12-1988 to 23-3-1988 with breaks and thereafter he left the job at his own. They have denied the remaining contents and prayed for the dismissal.

5. The petitioner has filed the rejoinder wherein he has controverted the stand taken in the reply and reiterated the stand taken in the petition and prayed for the relief.

6. On the basis of the pleadings of the parties, the following issues were framed by this Court on 17-5-2005:

1. Whether the termination of the service of the petitioner by the respondent w.e.f. 21-2-1990 without complying the provisions of I.D. Act. 1947 is proper and justified? OPR.
2. If issue No. 1 is proved, to what relief of service benefits, seniority, back wages and amount of compensation the workman is entitled to? OPR.
3. Whether the petition is time barred as alleged? OPR.
4. Whether the petition is bad for misjoinder and non joinder of the necessary parties? OPR.
5. Whether the present claim petition is against the replying respondent on account of his act, conduct and acquiescence? OPR.
6. Relief

7. Both the parties have lead their evidence. I have heard both the parties and have also gone through the record. For the reasons to be recorded hereinafter, my findings on the aforesaid issues are as under :

### FINDINGS

Issue No. 1	: Yes.
Issue No. 2	: Not entitled to any relief.
Issue No. 3	: Yes.
Issue No. 4	: Not pressed
Issue No. 5	: Not pressed.
Relief	: Reference answered vide operative part of the award.

### REASONS FOR FINDINGS

Issue No. 1 & 2 :

8. Both these issues are interlinked and are taken up together for discussion and decision. Petitioner in order to prove the case tendered his affidavit in support of the evidence as I.A. PW-1 A. In cross-examination he has denied that he was engaged on 26-12-1986. He has also denied that he had not worked continuously. The petitioner has denied that he left the job at his own. He alleged that his services were terminated. He has denied that he never approached the Board after the direction of the Administrative Tribunal, but stated that he was never called. The witness further stated that the department used to discharge them from services and when no work was available. They had not given anything in writing to the Board after the decision of the Administrative Tribunal. The witness also denied that no junior was engaged, but stated that S/Shri Bhagat Ram, Ved Parkash, Het Ram and Mansa Ram were engaged after their removal, but cannot prove his contention.

9. The respondent has also examined one Shri Surjit Singh, Assistant Engineer who has stated that the petitioner was engaged on 26-12-1986 and worked till 25-3-1988. The petitioner remained absent in 1987 and he abandoned his job on 26-3-1988 as he never came back to join his duties thereafter. The petitioner challenged his termination before the Hon'ble Administrative Tribunal which has sent the same to the Board for consideration as representation. There was no violation of any provision of the 'act'. The mandays chart is Ex.RW-1A. In cross-examination, the witness has admitted as per mandays

chart the petitioner has completed 240 days. He has denied that the petitioner was engaged on 26-9-1986 and he worked till 21-2-1990. He has admitted that Board has framed the Standing Orders for the daily paid workers. No show cause notice or enquiry was held for the absence and abandonment of job by the petitioner. The Executive Engineer is the appointing authority of the daily wagers. He has admitted that no notice or retrenchment compensation has been paid to the petitioner. He has denied that S. Shri Partap Singh, Mansa Ram, Het Ram and Bhagat Ram junior persons have been appointed.

10. From the perusal of the record, it has been proved on record that the petitioner was engaged by the respondent not on 26-9-1986 but on 26-12-1986. The petitioner has alleged that his services were terminated on 21-2-1990, whereas the case of the respondent is that the petitioner left the job on 25-3-1988. It is well settled that the petitioner has to prove that he worked continuously for 240 days in preceding years and his services were illegally terminated, but in the case in hand, the petitioner could not prove anything on record that he worked for more than 240 days. The respondent on the other hand however placed mandays chart which shows that the petitioner worked for 6 days in 1986, 357 days in 1987 and 85 days in 1988, but there is nothing on record to prove that the services of the petitioner were terminated by the respondent without any notice or compensation. It has been proved by the respondent that the petitioner himself has left the job at his own on 25-3-1988 and thereafter he never turned back.

11. The petitioner could not prove on record that his junior S. Shri Partap Singh, Mansa Ram, Het Ram and Bhagat Ram were engaged after his removal. Hence, he is not entitled to claim any benefit under Section 25-41 of the 'act'. Similarly, the petitioner could not prove that his services were terminated by the respondent board. Learned AR for the petitioner has strongly argued that the respondent board has not followed the provisions of H.P. State Electricity Board Industrial Employment Standing Order Section 14(i) as no notice as required under Section 14(2) has been served. Hence, the petitioner is entitled for his re-instatement. But the argument of the learned AR cannot be accepted as the application of the Standing Order has been exempted as per notification issued by the State of Himachal Pradesh dated 11-9-1985. The relevant portion of the notification is reproduced :

"In exercise of the powers conferred by him under Section 14 of the Industrial Employment (Standing Order) Act, 1946 (Act No. XX 1946), the Governor of Himachal Pradesh is please to exempt the establishment of Himachal Pradesh State Electricity Board from all the provisions of the said Act."

12. The other argument of the learned AR is that the enforcement of Standing Orders cannot be exempted through notification, but again the argument of the learned AR cannot be accepted in view of Section 14 of the Industrial Employment (Standing Order) Act, 1946. Relevant provision is reproduced:

14. Power to exempt.—The appropriate Government may by notification in the Official Gazette exempt, conditionally or unconditionally any industrial establishment or class of industrial establishments from all or any of the provisions of this Act."

13. In view of the above discussion as the petitioner has failed to prove that his services were terminated by the respondent without any notice and compensation or junior has been retained in the services. Accordingly, both the issues are decided against the petitioner.

14. The onus to prove Issue was on the respondent. It has been proved on record that the petitioner has left the job somewhere in March, 1988 and the present dispute has been agitated by him somewhere in 2002. The reference received in the Court in April, 2003 which means that the petitioner remained quite for over 13 years. It has further been pointed out that the petitioner has agitated the similar matter earlier before the Hon'ble Administrative Tribunal which case was sent to the respondent board for considering as representation of the petitioner, but the same has been rejected after due consideration vide order dated 23-2-2000. Further the petitioner has left the job without any permission and remained quite till 2002, which clearly proves that he abandoned the job himself as per law laid down by our own Hon'ble High Court in 2005 (1) Shim. L.C. 79 titled Nagar Parishad Bilaspur Vs. Bone Ram & another. The petitioner for the first time agitated the matter in december, 1999 meaning thereby that he remained quite for about 13 years. Hence, the claim of the petitioner is barred by limitation as per law laid down by Hon'ble Supreme Court in (2001) 1 SCC 424, titled Indian Iron & Steel Co. Ltd. Vs. Prahlad Singh. Accordingly, the issue is decided against the petitioner.

Issues No. 4 & 5 : Not pressed.

RELIEF

15. In view of my findings on the aforesaid issues, there is no merit in the reference and is accordingly answered. Let a copy of this award be sent to the appropriate government for publication in the official gazette.

Announced in the Open Court today this 3rd Day of June, 2006.

Announced.

Seal.

L. N. SHARMA,  
Presiding Judge,  
H. P. Industrial Tribunal-cum-  
Labour Court, Shimla, H.P.

In the Court of Shri L. N. Sharma, Presiding Judge, H.P.  
Labour Court, Shimla

Reference No. 101 of 2003

Instituted on : 5-4-2003

Decided on : 3-6-2006

Shri Sattar Mohammad s/o Sh. Noor Deen, Vill. Sai, P.O. Parwal, Tehsil Nalagarh, Distt. Solan  
Petitioner.

Versus

Executive Engineer, HPSEB Elect. Division, Nalagarh,  
District Solan.  
Respondent.

Reference under Section 10 of the Industrial Disputes Act, 1947.

For petitioner : Shri S.S. Sippi, AR.  
For respondent : Shri Bhagwan Chand, Advocate.

## AWARD

The following reference has been received for adjudication from the appropriate government:—

"Whether the termination of services of Shri Sattar Mohammad s/o Shri Noor Deen by the Executive Engineer, H.P.S.E.B (Electrical) Division, Nalagarh, Distt. Solan, H.P. w.e.f. 31-12-1992 without complying the provisions of the Industrial Disputes Act, 1947 is proper and justified? If not, what relief of service benefits, seniority, back-wages and amount of compensation the aggrieved workman is entitled to?"

2. The petitioner has alleged that he was engaged as T-Mate by the respondent on 25-1-1987 and he worked continuously upto 31-12-1992. His services were wrongly terminated without any reason or notice. The petitioner has raised the dispute before the Hon'ble Administrative Tribunal from where the case was sent to the respondent for considering the same as representation and the same be decided. The representation has also been rejected by the respondent on 23-2-2000 illegally. The posts are still lying vacant, but his services were terminated illegally and thereafter the department engaged S/Shri Partap Singh, Mansa Ram, Het Ram and Bhagat Ram etc. who were junior to him. The respondent has also not followed the provisions of Standing Orders. The petitioner has completed 240 days continuous service and his services cannot be terminated without serving one month notice and retrenchment compensation. The respondent has also not followed the provisions of Section 25-H of the Industrial Disputes Act, 1947 (hereinafter referred to as the 'act'). The termination of the petitioner is illegal and he prayed for the relief.

3. The petition has been strongly contested by the respondent taking preliminary objection that the petition is bad for non joinder of necessary parties and is barred by limitation. The petitioner is having no legal right and is also estopped from filing the same due to his own act, conduct and acquiescence. The petitioner is having no cause of action. The petitioner has not completed 240 days of service which fact was considered as per representation and the same was rejected vide order dated 23-2-2000.

4. On merits, the respondent has denied all the contents of the petition except that the petitioner was engaged as T-Mate on 26-1-1987 and not on 25-1-1987 as alleged. It has also been stated that the petitioner left the job at his own on 20-12-1992 and his services were not terminated on 21-12-1992 as alleged. They have further admitted that the petitioner filed the claim before the Administrative Tribunal who sent the petition to be considered the same as representation. The respondent has considered the same and after going through the record, the representation has been rejected. The claim was not filed within time and no reason for filing the same at a belated stage has been given. The petitioner has only worked under the respondent from 26-1-1987 to 20-12-1992 with breaks and thereafter he left the job at his own. They have denied the remaining contents and prayed for the dismissal.

5. The petitioner has filed the rejoiner wherein he has controverted the stand taken in the reply and reiterated the stand taken in the petition and prayed for the relief.

6. On the basis of the pleadings of the parties, the following issues were framed by this Court on 17-5-2005:

1. Whether the termination of the service of the petitioner by the respondent w.e.f. 21-2-1990

without complying the provisions of I.D. Act, 1947 is proper and justified ?  
OPR.

2. If issue No. 1 is proved, to what relief of service benefits, seniority, back wages and amount of compensation the work-man is entitled to ?  
OPP.

3. Whether the petition is time barred as alleged ?  
OPR.

4. Whether the petition is bad for misjoinder and non joinder of the necessary parties?  
OPR.

5. Whether the present claim petition is against the replying respondent on account of his act, conduct and acquiescence ?  
OPR.

6. Relief.

7. Both the parties have lead their evidence. I have heard both the parties and have also gone through the record. For the reasons to be recorded hereinafter, my findings on the aforesaid issues are as under:

## FINDINGS

Issue No. 1 : Yes.  
Issue No. 2 : Not entitled to any relief.  
Issue No. 3 : Yes.  
Issue No. 4 : Not pressed.  
Issue No. 5 : Not pressed.  
Relief : Reference answered vide operative part of the award.

## REASONS FOR FINDINGS

Issue No. 1 & 2 :

8. Both these issues are interlinked and are taken up together for discussion and decision. Petitioner in order to prove the case tendered his affidavit in support of the evidence as Ex.PW-1/A. In cross-examination he has admitted that he was engaged on 26-1-1987 and worked continuously upto 20-12-1992. He has also denied that he had not worked continuously. The petitioner has denied that he left the job at his own. He alleged that his services were terminated. He has denied that he never approached the Board after the direction of the Administrative Tribunal, but stated that he was never called. The witness further stated that the department used to discharge them from services and when no work was available. They had not given anything in writing to the Board after the decision of the Administrative Tribunal. The witness also denied that no junior was engaged, but stated that S/Shri Bhagat Ram, Ved Parkash, Het Ram and Mansa Ram were engaged after their removal, but cannot prove his contention.

9. The respondent has also examined one Shri Surjit Singh, Assistant Engineer who has stated that the petitioner was engaged on 26-1-1987 and worked till 20-12-1992. The petitioner remained absent and he abandoned his job on 20-12-1992 as he never came back to join his duties thereafter. The petitioner challenged his termination before the Hon'ble Administrative Tribunal which has sent the same to the Board for consideration as representation. There was no violation of

any provision of the Act. The mandays chart is EX.RW-1-A. In cross-examination, the witness has admitted as per mandays chart the petitioner has completed 240 days. He has denied that the petitioner was engaged on 25-1-1987, and he worked till 31-12-1992. He has admitted that Board has framed the Standing Orders for the daily paid workers. No show cause notice or enquiry was held for the absence and abandonment of job by the petitioner. The Executive Engineer is the appointing authority of the daily wagers. He has admitted that no notice or retrenchment compensation has been paid to the petitioner. He has denied that S Shri Partap Singh, Mansa Ram, Het Ram and Bhagat Ram junior persons have been appointed.

10. From the perusal of the record, it has been proved on record that the petitioner was engaged by the respondent not on 26-1-1987 but on 25-1-1987. The petitioner has alleged that his services were terminated on 31-12-1992, whereas the case of the respondent is that the petitioner left the job on 20-12-1992. It is well settled that the petitioner has to prove that he worked continuously for 210 days in a preceding years and his services were illegally terminated, but in the case in hand, the petitioner could not prove anything on record that he worked for more than 240 days. The respondent on the other hand however placed mandays chart which shows that the petitioner worked for 320 days in 1987, 91 days in 1988, 166 days in 1989, 180 days in 1990, 180 days in 1991 and 210 days in 1992, but there is nothing on record to prove that the services of the petitioner were terminated by the respondent without any notice or compensation. It has been proved by the respondent that the petitioner himself has left the job at his own on 25-3-1988 and thereafter he never turned back.

11. The petitioner could not prove on record that his junior S Shri Partap Singh, Mansa Ram, Het Ram and Bhagat Ram were engaged after his removal. Hence, he is not entitled to claim any benefit under Section 25-H of the 'Act'. Similarly, the petitioner could not prove that his services were terminated by the respondent board. Learned AR for the petitioner has strongly argued that the respondent board has not followed the provisions of H.P. State Electricity Board Industrial Employment Standing Orders Section 14(1) as no notice as required under Section 14(2) has been served. Hence, the petitioner is entitled for his re-instatement. But the argument of the learned AR cannot be accepted as the application of the Standing Order has been exempted as per notification issued by the State of Himachal Pradesh dated 11-9-1985. The relevant portion of the notification is reproduced:

"In exercise of the powers conferred by him under Section 14 of the Industrial Employment (Standing Order) Act, 1946 (Act No. XX of 1946), the Governor of Himachal Pradesh is please to exempt the establishment of Himachal Pradesh State Electricity Board from all the provisions of the said Act."

12. The other argument of the learned AR is that the enforcement of Standing Orders cannot be exempted through notification, but again the argument of the learned AR cannot be accepted in view of Section 14 of the Industrial Employment (Standing Orders) Act, 1946. Relevant provision is reproduced:

14. *Power to exempt.*—The appropriate Government may by notification in the Official Gazette exempt, conditionally or unconditionally any industrial establishment or class of industrial establishments from all the any of the provisions of this Act."

13. In view of the above discussion as the petitioner has failed to prove that his services were terminated by the respondent without any notice and compensation or junior has

been retained in the services. Accordingly, both the issues are decided against the petitioner.

Issue No. 3:

14. The onus to prove issue was on the respondent. It has been proved on record that the petitioner has left the job somewhere in December, 1992, and the present dispute has been agitated by him somewhere in 2002. The reference received in the Court in April, 2003 which means that the petitioner remained quite for over 10 years. It has further been pointed out that the petitioner has agitated the similar matter earlier before the Hon'ble Administrative Tribunal which case was sent to the respondent board for considering as representation of the petitioner, but the same has been rejected after due consideration vide order dated 23-2-2000. Further the petitioner has left the job without any permission and remained quite till 2002, which clearly proves that he abandoned the job himself as per law laid down by our own Hon'ble High Court in 2005 (1) Shim. L. C. 79 titled Nagar Parishad Bilaspur Vs. Bone Ram & another. The petitioner for the first time agitated the matter in December, 1999 meaning thereby that he remained quite for about 7 years. Hence, the claim of the petitioner is barred by limitation as per law laid down by Hon'ble Supreme Court in (2001) 1 SCC 424, titled Indian Iron & Steel Com. Ltd. Vs. Prahlad Singh. Accordingly, the issue is decided against the petitioner.

Issue No: 4 & 5. Not pressed.

RELIEF

15. In view of my findings on the aforesaid issues, there is no merit in the reference and is accordingly answered. Let a copy of this award be sent to the appropriate Government for publication in the official gazette.

Announced in the open court today this 3<sup>rd</sup> day of June, 2006.

Seal.

L. N. SHARMA,  
Presiding Judge,  
H. P. Industrial Tribunal-cum-  
Labour Court, Shimla.

In the Court of Shri L. N. Sharma, Presiding Judge, H.P.  
Labour Court, Shimla

Reference No. 161/2003  
Instituted on : 17-5-2003  
Decided on : 3-6-2006

Shri Amar Singh s/o Sh. Balak Ram, Vill. Kohu Lower,  
P.O Kohu, Tehsil Nalagarh, Distt. Solan ..... Petitioner.

Versus

Executive Engineer. HPSEB Elect. Division, Nalagarh,  
District Solan ..... Respondent.

Reference under Section 10 of the Industrial Disputes  
Act, 1947.

For petitioner : \*Shri S.S. Sippi, AR  
For respondent : Shri Bhagwan Chand, Advocate

## AWARD

The following reference has been received for adjudication from the appropriate Government:

"Whether the termination of services of Shri Amar singh s/o Shri Balak Ram by the Executive Engineer, H.P.S.E.B (Electrical) Division, Nalagarh, Distt. Solan, H.P. w.e.f. 21-2-1990 without complying the provisions of the Industrial Disputes Act, 1947 is proper and justified? If not, what relief of service benefits, seniority, back-wages and amount of compensation the aggrieved workman is entitled to?"

2. The petitioner has alleged that he was engaged as T-Mate by the respondent on 26-9-1986 and he worked continuously upto 20-2-1990. His services were wrongly terminated without any reason or notice. The petitioner has raised the dispute before the Hon'ble Administrative Tribunal from where the case was sent to the respondent for considering the same as representation and the same be decided. The representation has also been rejected by the respondent on 23-2-2000 illegally. The posts are still lying vacant, but his services were terminated illegally and thereafter the department engaged S/Shri Partap Singh, Mansa Ram, Het Ram and Bhagat Ram etc. who were junior to him. The respondent has also not followed the provisions of Standing Orders. The petitioner has completed 240 days continuous service and his services cannot be terminated without serving one month notice and retrenchment compensation. The respondent has also not followed the provisions of Section 25-H of the Industrial Disputes Act, 1947 (hereinafter referred to as the 'Act'). The termination of the petitioner is illegal and he prayed for the relief.

3. The petition has been strongly contested by the respondent taking preliminary objection that the petition is bad for non joinder of necessary parties and is barred by limitation. The petitioner is having no legal right and is also estopped from filing the same due to his own act, conduct and acquiescence. The petitioner is having no cause of action. The petitioner has not completed 240 days of service which fact was considered as per representation and the same was rejected vide order dated 23-2-2000.

4. On merits, the respondent has denied all the contents of the petition except that the petitioner was engaged as T-Mate on 26-12-1986 and not on 26-9-1986 as alleged. It has also been stated that the petitioner left the job at his own on 25-3-1988 and his services were not terminated on 20-2-90 as alleged. They have further admitted that the petitioner filed the claim before the Administrative Tribunal who sent the petition to consider the same as representation. The respondent has considered the same and after going through the record, the representation has been rejected. The claim was not filed within time and no reason for filing the same at a belated stage has been given. The petitioner has only worked under the respondent from 26-12-1986 to 20-2-1990 with breaks and thereafter he left the job at his own. They have denied the remaining contents and prayed for the dismissal.

5. The petitioner has filed the rejoinder wherein he has controverted the stand taken in the reply and reiterated the stand taken in the petition and prayed for the relief.

6. On the basis of the pleadings of the parties, the following issues were framed by this Court on 17-5-2005:

1. Whether the termination of the service of the petitioner by the respondent w.e.f. 21-2-1990 without

complying the provisions of I.D. Act, 1947 is proper and justified? OPR.

2. If issue No. 1 is proved, to what relief of service benefits, seniority, back wages and amount of compensation the workman is entitled to? OPR.

3. Whether the petition is time barred as alleged? OPR.

4. Whether the petition is bad for misjoinder and non-joinder of the necessary parties? OPR.

5. Whether the present claim petition is against the replying respondent on account of his act, conduct and acquiescence? OPR.

6. Relief.

7. Both the parties have lead their evidence. I have heard both the parties and have also gone through the record. For the reasons to be recorded hereinafter, my findings on the aforesaid issues are as under:

## FINDINGS

- |             |  |
|-------------|--|
| Issue No. 1 | : Yes.   |
| Issue No. 2 | : Not entitled to any relief.                          |
| Issue No. 3 | : Yes.   |
| Issue No. 4 | : Not pressed.   |
| Issue No. 5 | : Not pressed.   |
| Relief      | : Reference answered vide operative part of the award. |

## REASONS FOR FINDINGS

Issue No. 1 & 2 :

8. Both these issues are interlinked and are taken up together for discussion and decision. Petitioner in order to prove the case tendered his affidavit in support of the evidence as Ex.PW-1/A. In cross-examination he has denied that he was engaged on 26-12-1986 and worked continuously upto 25-3-1988. He has also denied that he had not worked continuously. The petitioner has denied that he left the job at his own. He alleged that his services were terminated. He has denied that he never approached the Board after the direction of the Administrative Tribunal, but stated that he was never called. The witness further stated that the department used to discharge them from services when no work was available. They had not given anything in writing to the Board after the decision of the Administrative Tribunal. The witness also denied that no junior was engaged, but stated that S/Shri Bhagat Ram, Ved Parkash, Het Ram and Mansa Ram were engaged after their removal, but cannot prove his contention.

9. The respondent has also examined one Shri Surjit Singh, Assistant Engineer who has stated that the petitioner was engaged on 26-12-1986 and worked till 20-2-1990. The petitioner remained absent and he abandoned his job on 21-2-1990 as he never came back to join his duties thereafter. The petitioner challenged his termination before the Hon'ble

of record of the representation, there was no violation of any provision of the 'Act'. The mandays chart is Ex.RW-1/A. In cross-examination, the witness has admitted as per mandays chart the petitioner has completed 240 days. He has admitted that the petitioner was engaged 26-9-1986 and he worked till 20-02-1990. He has admitted that Board has framed the Standing Orders for the daily paid workers. No show cause notice or enquiry was held for the absence and abandonment of job by the petitioner. The Executive Engineer is the appointing authority of the daily wagers. He has admitted that no notice or retrenchment compensation has been paid to the petitioner. He has denied that S Shri Partap Singh, Mansa Ram, Het Ram and Bhagat Ram junior persons have been appointed.

10. From the perusal of the record, it has been proved on record that the petitioner was engaged by the respondent not on 26-9-1986 but on 20-2-1990. The petitioner has alleged that his services were terminated on 20-2-1990, whereas the case of the respondent is that the petitioner left the job on 20-12-1992. It is well settled that the petitioner has to prove that he worked continuously for 240 days in a preceding years and his services were illegally terminated, but in the case in hand, the petitioner could not prove anything on record that he worked for more than 240 days. The respondent on the other hand however placed mandays chart which shows that the petitioner worked for 6 days in 1986, 362 days in 1987, 85 days in 1988, but there is nothing on record to prove that the services of the petitioner were terminated by the respondent without any notice or compensation. It has been proved by the respondent that the petitioner himself has left the job at his own on 25-03-1988 and thereafter he never turned back.

11. The petitioner could not prove on record that his junior S Shri Partap Singh, Mansa Ram, Het Ram and Bhagat Ram were engaged after his removal. Hence, he is not entitled to claim any benefit under Section 25-H of the 'Act'. Similarly, the petitioner could not prove that his services were terminated by the respondent board. Learned AR for the petitioner has strongly argued that the respondent board has not followed the provisions of H.P. State Electricity Board Industrial Employment Standing Orders Section 14(i) as no notice as required under Section 14(2) has been served. Hence, the petitioner is entitled for his re-instatement. But the argument of the learned AR cannot be accepted as the application of the Standing Order has been exempted as per notification issued by the State of Himachal Pradesh dated 11-9-1985. The relevant portion of the notification is reproduced:

"In exercise of the powers conferred by him under Section 14 of the Industrial Employment (Standing Order) Act, 1946 (Act No. XX of 1946), the Governor of Himachal Pradesh is please to exempt the establishment of Himachal Pradesh State Electricity Board from all the provisions of the said Act."

12. The other argument of the learned AR is that the enforcement of Standing Orders cannot be exempted through notification, but again the argument of the learned AR cannot be accepted in view of Section 14 of the Industrial Employment (Standing Orders) Act, 1946. Relevant provision is reproduced:

14. *Power to exempt.* The appropriate Government may by notification in the Official Gazette exempt, conditionally or unconditionally any industrial establishment or class of industrial establishments from all the any of the provisions of this Act."

13. In view of the above discussion as the petitioner has failed to prove that his services were terminated by the respondent without any notice and compensation or junior has

been retained in the services. Accordingly, both the issues are decided against the petitioner.

Issue No. 3 :

14. The onus to prove issue was on the respondent. It has been proved on record that the petitioner has left the job somewhere in December, 1992 and the present dispute has been agitated by him somewhere in 2002. The reference received in the Court in April, 2003 which means that the petitioner remained quite for over 10 years. It has further been pointed out that the petitioner has agitated the similar matter earlier before the Hon'ble Administrative Tribunal which case was sent to the respondent board for considering as representation of the petitioner, but the same has been rejected after due consideration vide order dated 23-2-2000. Further the petitioner has left the job without any permission and remained quite till 2002, which clearly proves that he abandoned the job himself as per law laid down by our own Hon'ble High Court in 2005 (1) Shim. L.C. 79 titled *Parishad Bilaspur Vs Bone Ram & another*. The petitioner for the first time agitated the matter in December, 1999 meaning thereby that he remained quite for about 10 years. Hence, the claim of the petitioner is barred by limitation as per law laid down by Hon'ble Supreme Court in (2001) 1 SCC 424, titled *Indiann Iron & Steel Com. Ltd. Vs. Prahlad Singh*. Accordingly, the issue is decided against the petitioner.

Issue No. 4 & 5 : Not pressed.

RELIEF

15. In view of my findings on the aforesaid issues, there is no merit in the reference and is accordingly answered. Let a copy of this award be sent to the appropriate Government for publication in the official gazette.

Announced in the open court today this 3<sup>rd</sup> day of June, 2006.

Announced.

Seal.

L. N. SHARMA,  
Presiding Judge,  
H. P. Industrial Tribunal-cum-  
Labour Court, Shimla

In the Court of Shri L. N. Sharma, Presiding Judge, H.P.  
Labour Court, Shimla

Reference No. 162/2003

Instituted on : 17-5-2003

Decided on : 3-6-2006

Shri Shyam Lal s/o Sh. Devi Ram, Vill. and P. O Doli,  
Tehsil Nalagarh, Distt. Solan .. Petitioner.

Versus

Executive Engineer, HPSEB Elect. Division, Nalagarh,  
District Solan ..... Respondent.

Reference under Section 10 of the Industrial Disputes  
Act, 1947.

For petitioner : Shri S.S. Sippi, AR

For respondent : Shri Bhagwan Chand, Advocate

## AWARD

The following reference has been received for adjudication from the appropriate Government:

"Whether the termination of services of Shri Shayam Lal s/o Shri Devi Ram by the Executive Engineer, H.P.S.E.B (Electrical) Division, Nalagarh, Distt. Solan, H.P. w.e.f. 01-09-1998 without complying the provisions of the Industrial Disputes Act, 1947 is proper and justified? If not, what relief of service benefits, seniority, back-wages and amount of compensation the aggrieved workman is entitled to?"

2. The petitioner has alleged that he was engaged as T-Mate by the respondent in 1984 and he worked with break upto 31-9-1998. His services were wrongly terminated without any reason or notice. The petitioner has raised the dispute before the Hon'ble Administrative Tribunal from where the case was sent to the respondent for considering the same as representation and the same be decided. The representation has also been rejected by the respondent on 23-2-2000 illegally. The posts are still lying vacant, but his services were terminated illegally and thereafter the department engaged S/Shri Partap Singh, Mansa Ram, Het Ram and Bhagat Ram etc. who were junior to him. The respondent has also not followed the provisions of Standing Orders. The petitioner has completed 240 days continuous service and his services cannot be terminated without serving one month notice and retrenchment compensation. The respondent has also not followed the provisions of Section 25-H of the Industrial Disputes Act, 1947 (hereinafter referred to as the 'Act'). The termination of the petitioner is illegal and he prayed for the relief.

3. The petition has been strongly contested by the respondent taking preliminary objection that the petition is bad for non-joinder of necessary parties and is barred by limitation. The petitioner is having no legal right and is also estopped from filing the same due to his own act, conduct and acquiescence. The petitioner is having no cause of action. The petitioner has not completed 240 days of service which fact was considered as per representation and the same was rejected vide order dated 23-2-2000.

4. On merits, the respondent has denied all the contents of the petition except that the petitioner was engaged as T-Mate on 26-5-1987 and not on 26-9-1986 as alleged. It has also been stated that the petitioner left the job at his own on 20-12-1997 and his services were not terminated on 01-09-1998 as alleged. They have further admitted that the petitioner filed the claim before the Administrative Tribunal who sent the petition to consider the same as representation. The respondent has considered the same and after going through the record, the representation has been rejected. The claim was not filed within time and no reason for filing the same at a belated stage has been given. The petitioner has only worked under the respondent from 26-5-1987 to 20-12-1997 with breaks and thereafter he left the job at his own. They have denied the remaining contents and prayed for the dismissal.

5. The petitioner has filed the rejoinder wherein he has controverted the stand taken in the reply and reiterated the stand taken in the petition and prayed for the relief.

6. On the basis of the pleadings of the parties, the following issues were framed by this Court on 17-5-2005:

1. Whether the termination of the service of the petitioner by the respondent w.e.f. 21-2-1990 without complying the provisions of I.D. Act, 1947 is proper and justified? OPR.
2. If issue No. 1 is proved, to what relief of service benefits, seniority, back wages and amount of compensation the workman is entitled to? OMP
3. Whether the petition is time barred as alleged? OPR.
4. Whether the petition is bad for misjoinder and non joinder of the necessary parties? OPR.
5. Whether the present claim petition is against the replying respondent on account of his act, conduct and acquiescence? OPR
6. Relief.

7. Both the parties have lead their evidence. I have heard both the parties and have also gone through the record. For the reasons to be recorded hereinafter, my findings on the aforesaid issues are as under:

## FINDINGS

- |             |   |  |
|-------------|---|--|
| Issue No. 1 | : | Yes.   |
| Issue No. 2 | : | Not entitled to any relief.                          |
| Issue No. 3 | : | Yes.   |
| Issue No. 4 | : | Not pressed.   |
| Issue No. 5 | : | Not pressed.   |
| Relief      | : | Reference answered vide operative part of the award. |

## REASONS FOR FINDINGS

Issue No. 1 & 2:

8. Both these issues are interlinked and are taken up together for discussion and decision. Petitioner in order to prove the case tendered his affidavit in support of the evidence as Ex.PW-1 A. In cross-examination he has denied that he was engaged on 26-12-1986 and worked continuously upto 20-12-1997. He has also denied that he had not worked continuously. The petitioner has denied that he left the job at his own. He alleged that his services were terminated. He has denied that he never approached the Board after the direction of the Administrative Tribunal, but stated that he was never called. The witness further stated that the department used to discharge them from services when no work was available. They had not given anything in writing to the Board after the decision of the Administrative Tribunal. The witness also denied that no junior was engaged, but stated that S/Shri Bhagat Ram, Ved Parkash, Het Ram and Mansa Ram were engaged after their removal, but cannot prove his contention.

9. The respondent has also examined one Shri Surjit Singh, Assistant Engineer who has stated that the petitioner was engaged on 26-5-1987 and worked till 20-12-1997. The petitioner remained absent and he abandoned his job on 20-12-1997 as he never came back to join his duties thereafter. The petitioner challenged his termination before the Hon'ble

Administrative Tribunal which has sent the same to the Board for consideration as representation. There is no violation of any provision of the 'Act'. The mandays chart is Ex.RW-1/A. In cross-examination, the witness has admitted as per mandays chart the petitioner has completed 240 days. He has denied that the petitioner was engaged in 1985-86 and he worked till 31-08-1998. He has admitted that Board has framed the Standing Orders for the daily paid workers. No show cause notice or enquiry was held for the absence and abandonment of job by the petitioner. The Executive Engineer is the appointing authority of the daily wagers. He has admitted that no notice or retrenchment compensation has been paid to the petitioner. He has denied that S/Shri Partap Singh, Mansa Ram, Het Ram and Bhagat Ram junior persons have been appointed.

10. From the perusal of the record, it has been proved on record that the petitioner was engaged by the respondent not on 26-5-1987 but not in 1984. Similarly there is a dispute that the petitioner has alleged that his services were terminated on 31-8-1998, whereas the case of the respondent is that the petitioner left the job on 20-12-1997. It is well settled that the petitioner as to prove that he worked continuously for 240 days in a preceding years and his services were illegally terminated, but in the case in hand, the petitioner could not prove anything on record that he worked for more than 240 days. The respondent on the other hand however placed mandays chart which shows that the petitioner worked for 219 days in 1987, 90 days in 1988, 240 days in 1989, 161 days in 1990, 192 days in 1991, 215 days in 1992, 42 days in 1995, 40 days in 1996, and 34 days in 1997, but there is nothing on record to prove that the services of the petitioner were terminated by the respondent without any notice or compensation. It has been approved by the respondent that the petitioner himself has left the job at his own on 20-12-1997 and thereafter he never turned back.

11. The petitioner could not prove on record that his junior S/Shri Partap Singh, Mansa Ram, Het Ram and Bhagat Ram were engaged after his removal. Hence, he is not entitled to claim any benefit under Section 25-11 of the 'Act'. Similarly, the petitioner could not prove that his services were terminated by the respondent board. Learned AR for the petitioner has strongly argued that the respondent board has not followed the provisions of H.P. State Electricity Board Industrial Employment Standing Orders Section 14(i) as no notice as required under Section 14(2) has been served. Hence, the petitioner is entitled for his re-instatement. But the argument of the learned AR cannot be accepted as the application of the Standing Order has been exempted as per notification issued by the State of Himachal Pradesh dated 11-9-1985. The relevant portion of the notification is reproduced:

"In exercise of the powers conferred by him under Section 14 of the Industrial Employment (Standing Order) Act, 1946 (Act No. XX of 1946), the Governor of Himachal Pradesh is please to exempt the establishment of Himachal Pradesh State Electricity Board from all the provisions of the said Act."

12. The other argument of the learned AR is that the enforcement of Standing Orders cannot be exempted through notification, but again the argument of the learned AR cannot be accepted in view of Section 14 of the Industrial Employment (Standing Orders) Act, 1946. Relevant provision is reproduced:

14. *Power to exempt.*— The appropriate Government may by notification in the Official Gazette exempt, conditionally or unconditionally any industrial establishment or class of industrial establishments from all the any of the provisions of this Act."

13. In view of the above discussion as the petitioner has failed to prove that his services were terminated by the respondent without any notice and compensation or junior has been retained in the services. Accordingly, both the issues decided against the petitioner.

*Issue No. 3 :*

14. The onus to prove issue was on the respondent. It has been proved on record that the petitioner has left the job somewhere in December, 1997 and the present dispute has been agitated by him somewhere in 2002 and the reference received in the Court in April, 2003 which means that the petitioner remained quite for over 14 years. It has further been pointed out that the petitioner has agitated the similar matter earlier before the Hon'ble Administrative Tribunal which case was sent to the respondent board for considering as representation of the petitioner, but the same has been rejected after due consideration vide order dated 23-2-2000. Further the petitioner has left the job without any permission and remained quite till 2002, which clearly proves that he abandoned the job himself as per law laid down by our own Hon'ble High Court in 2005 (1) Shim. L.C. 79 titled Nagar Parishad Bilaspur Vs. Bone Ram & another. The petitioner for the first time agitated the matter in December, 1999 meaning thereby that he remained quite for about 5 years. Hence, the claim of the petitioner is barred by limitation as per law laid down by Hon'ble Supreme Court in (2001) 1 SCC 424, titled Indian Iron & Steel Com. Ltd. Vs. Prahlad Singh. Accordingly, the issue is decided against the petitioner.

*Issue No. 4 & 5 :* Not pressed.

RELIEF

15. In view of my findings on the aforesaid issues, there is no merit in the reference and is accordingly answered. Let a copy of this award be sent to the appropriate Government for publication in the official gazette.

Announced in the open court today this 3<sup>rd</sup> day of June, 2006.

Announced.

Seal.

L. N. SHARMA,  
Presiding Judge,  
H. P. Industrial Tribunal-cum-  
Labour Court, Shimla.

In the Court of Shri L. N. Sharma, Presiding Judge, H. P.  
Labour Court, Shimla

Reference No. 163/2003

Instituted on : 17-5-2003

Decided on : 3-6-2006

Shri Jagdish Chand s/o Shri Rabbal Ram, Vill. and P.O.  
Kohu, Tehsil Nalagarh, Distt. Solan .....Petitioner.

Versus

Executive Engineer, HPSEB Elect. Division, Nalagarh,  
District Solan .....Respondent.

Reference under Section 10 of the Industrial Disputes  
Act, 1947.



For petitioner : Shri S.S. Sippi, AR  
For respondent : Shri Bhagwan Chand, Advocate

## AWARD

The following reference has been received for adjudication from the appropriate Government:

"Whether the termination of services of Shri Jagdish Chand s/o Shri Sukh Ram by the Executive Engineer, H.P.S.E.B (Electrical) Division, Nalagarh, Distt. Solan, H.P. w.e.f. 21-2-1990 without complying the provisions of the Industrial Disputes Act, 1947 is proper and justified? If not, what relief of service benefits, seniority, back-wages and amount of compensation the aggrieved workman is entitled to?"

2. The petitioner has alleged that he was engaged as T-Mate by the respondent on 26-9-1986 and he worked continuously upto 21-2-1990. His services were wrongly terminated without any reason or notice. The petitioner has raised the dispute before the Hon'ble Administrative Tribunal from where the case was sent to the respondent for considering the same as representation and the same be decided. The representation has also been rejected by the respondent on 23-2-2000 illegally. The posts are still lying vacant, but his services were terminated illegally and thereafter the department engaged S/Shri Partap Singh, Mansa Ram, Het Ram and Bhagat Ram etc. who were junior to him. The respondent has also not followed the provisions of Standing Orders. The petitioner has completed 240 days continuous service and his services cannot be terminated without serving one month notice and retrenchment compensation. The respondent has also not followed the provisions of Section 25-H of the Industrial Disputes Act, 1947 (hereinafter referred to as the 'Act'). The termination of the petitioner is illegal and he prayed for the relief.

3. The petition has been strongly contested by the respondent taking preliminary objection that the petition is bad for non joinder of necessary parties and is barred by limitation. The petitioner is having no legal right and is also estopped from filing the same due to his own act, conduct and acquiescence. The petitioner is having no cause of action. The petitioner has not completed 240 days of service which fact was considered as per representation and the same was rejected vide order dated 23-2-2000.

4. On merits, the respondent has denied all the contents of the petition except that the petitioner was engaged as T-Mate on 26-12-1986 and not on 26-9-1986 as alleged. It has also been stated that the petitioner left the job at his own on 25-3-1988 and his services were not terminated on 21-2-90 as alleged. They have further admitted that the petitioner filed the claim before the Administrative Tribunal who sent the petition to consider the same as representation. The respondent has considered the same and after going through the record, the representation has been rejected. The claim was not filed within time and no reason for filing the same at a belated stage has been given. The petitioner has only worked under the respondent from 26-12-1986 to 25-3-1988 with breaks and thereafter he left the job at his own. They have denied the remaining contents and prayed for the dismissal.

5. The petitioner has filed the rejoinder wherein he has controverted the stand taken in the reply and reiterated the stand taken in the petition and prayed for the relief.

6. On the basis of the pleadings of the parties, the following issues were framed by this Court on 17-5-2005:

1. Whether the termination of the service of the petitioner by the respondent w.e.f. 21-2-1990 without complying the provisions of I.D. Act, 1947 is proper and justified? OPR.

2. If issue No. 1 is proved, to what relief of service benefits, seniority, back wages and amount of compensation the workman is entitled to? OPP.

3. Whether the petition is time barred as alleged? OPR.

4. Whether the petition is bad for misjoinder and non joinder of the necessary parties? OPR.

5. Whether the present claim petition is against the replying respondent on account of his act, conduct and acquiescence? OPR.

6. Relief.

7. Both the parties have lead their evidence. I have heard both the parties and have also gone through the record. For the reasons to be recorded hereinafter, my findings on the aforesaid issues are as under:

## FINDINGS

Issue No. 1	: Yes.
Issue No. 2	: Not entitled to any relief.
Issue No. 3	: Yes.
Issue No. 4	: Not pressed.
Issue No. 5	: Not pressed.
Relief	: Reference answered vide operative part of the award.

## REASONS FOR FINDINGS

Issue No. 1 & 2:

8. Both these issues are interlinked and are taken up together for discussion and decision. Petitioner in order to prove the case tendered his affidavit in support of the evidence as Ex.PW-1/A. In cross-examination he has denied that he was engaged on 26-12-1986 and worked continuously upto 25-3-1988. He has also denied that he had not worked continuously. The petitioner has denied that he left the job at his own. He alleged that his services were terminated. He has denied that he never approached the Board after the direction of the Administrative Tribunal, but stated that he was never called. The witness further stated that the department used to discharge them from services when no work was available. They had not given anything in writing to the Board after the decision of the Administrative Tribunal. The witness also denied that no junior was engaged, but stated that S/Shri Bhagat Ram, Ved Parkash, Het Ram and Mansa Ram were engaged after their removal, out cannot prove his contention.

9. The respondent has also examined one Shri Surjit Singh, Assistant Engineer who has stated that the petitioner was engaged on 26-12-1986 and worked till 25-3-1988. The petitioner remained absent and he abandoned his job on 25-3-1988 as he never came back to join his duties thereafter. The petitioner challenged his termination before the Hon'ble Administrative Tribunal which has sent the same to the Board for consideration as representation. There is no violation of any provision of the 'Act'. The mandays chart is Ex.RW-1/A. In cross-examination, the witness has admitted as per mandays chart the petitioner has completed 240 days. He has denied that the petitioner was engaged on 26-9-1986 and he worked till

20-2-1990. He has admitted that Board has framed the Standing Orders for the daily paid workers. To show cause notice or enquiry was held for the absence and abandonment of job by the petitioner. The Executive Engineer is the appointing authority of the daily wagers. He has admitted that no notice or retrenchment compensation has been paid to the petitioner. He has admitted that S/Shri Paratap Singh, Mansa Ram, Het Ram and Bhagat Ram junior persons have been appointed.

10. From the perusal of the record, it has been proved on record that the petitioner was engaged by the respondent not on 26-12-1986 but not 26-9-1986. Similarly there is a dispute that the petitioner has alleged that his services were terminated on 20-2-1990, whereas the case of the respondent is that the petitioner left the job on 25-3-1988. It is well settled that the petitioner has to prove that he worked continuously for 240 days in a preceding years and his services were illegally terminated, but in the case in hand, the petitioner could not prove anything on record that he worked for more than 240 days. The respondent on the other hand however placed mandays chart which shows that the petitioner worked for 6 days in 1986, 359 days in 1987, 85 days in 1988 but there is nothing on record to prove that the services of the petitioner were terminated by the respondent without any notice or compensation. It has been proved by the respondent that the petitioner himself has left the job at his own on 25-3-1988 and thereafter he never turned back.

11. The petitioner could not prove on record that his junior S/Shri Paratap Singh, Mansa Ram, Het Ram and Bhagat Ram were engaged after his removal. Hence, he is not entitled to claim any benefit under Section 25-11 of the 'Act'. Similarly, the petitioner could not prove that his services were terminated by the respondent board. Learned AR for the petitioner has strongly argued that the respondent board has not followed the provisions of H.P. State Electricity Board Industrial Employment Standing Orders Section 14(i) as no notice as required under Section 14(2) has been served. Hence, the petitioner is entitled for his re-instatement. But the argument of the learned AR cannot be accepted as the application of the Standing Order has been exempted as per notification issued by the State of Himachal Pradesh dated 11-9-1985. The relevant portion of the notification is reproduced:

In exercise of the powers conferred by him under Section 14 of the Industrial Employment (Standing Order) Act, 1946 Act No. XX of 1946, the Governor of Himachal Pradesh is pleased to exempt the establishment of Himachal Pradesh State Electricity Board from all the provisions of the said Act."

12. The other argument of the learned AR is that the enforcement of Standing Orders cannot be exempted through notification, but again the argument of the learned AR cannot be accepted in view of Section 14 of the Industrial Employment (Standing Orders) Act, 1946. Relevant provision is reproduced:

14. *Power to exempt.*— The appropriate Government may, by notification in the Official Gazette exempt, conditionally or unconditionally any industrial establishment or class of industrial establishments from all the any of the provisions of this Act."

13. In view of the above discussion as the petitioner has failed to prove that his services were terminated by the respondent without any notice and compensation or junior has been retained in the services. Accordingly, both the issues are decided against the petitioner.

Issue No. 3 :

14. The onus to prove issue was on the respondent. It has been proved on record that the petitioner has left the job somewhere in December, 1992 and the present dispute has been agitated by him somewhere in 2002 and the reference received in the Court in April, 2003 which means that the petitioner remained quite for over 12 years. It has further been pointed out that the petitioner has agitated the similar matter earlier before the Hon'ble Administrative Tribunal which case was sent to the respondent board for considering as representation of the petitioner, but the same has been rejected after due consideration vide order dated 23-2-2000. Further the petitioner has left the job without any permission and remained quite till 2002, which clearly proves that he abandoned the job himself as per law laid down by our own Hon'ble High Court in 2005 (1) Shim, L.C. 79 titled Nagar Parishad Bilaspur Vs. Bone Ram & another. The petitioner for the first time agitated the matter in December, 1999 meaning thereby that he remained quite for about 12 years. Hence, the claim of the petitioner is barred by limitation as per law laid down by Hon'ble Supreme Court in (2001) 1 SCC 424, titled Indian Iron & Steel Com. Ltd. Vs. Prahlad Singh. Accordingly, the issue is decided against the petitioner.

Issue No. 4 & 5 : Not pressed.

#### RELIEF

15. In view of my findings on the aforesaid issues, there is no merit in the reference and is accordingly answered. Let a copy of this award be sent to the appropriate Government for publication in the official gazette.

Announced in the open court today this 3rd day of June, 2006.

Announced.

Seal.

L. N. SHARMA,  
Presiding Judge,  
H.P. Industrial Tribunal-cum-  
Labour Court, Shimla

In the Court of Shri L. N. Sharma, Presiding Judge, H.P.  
Labour Court, Shimla

Reference No. 164-2003.

Instituted on : 17-5-2003

Decided on : 3-6-2006

Shri Jagdish Chand s/o Shri Sukh Ram, Vill. Kohu  
Lower P.O. Kohu, Tehsil Nalagarh, Distt. Solan

...Petitioner

Vs.

Executive Engineer, HPSEB Elect. Division, Nalagarh,  
District Solan

...Respondent

Reference under Section 10 of the Industrial Disputes  
Act, 1947.

For Petitioner : Shri S.S. Sippi, AR  
For Respondent : Shri Bhagwan Chand, Advocate

## AWARD

The following reference has been received for adjudication from the appropriate Government :

"Whether the termination of services of Shri Jagdish Chand s/o Shri Sukh Ram by the Executive Engineer, H.P.S.E.B. (electrical) Division, Nalagarh, Distt. Solan, H.P. w.e.f. 22-2-1990 without complying the provisions of the Industrial Disputes Act, 1947 is proper and justified ? If not, what relief of service benefits, seniority, back-wages and amount of compensation the aggrieved workman is entitled to ?"

2. The petitioner has alleged that he was engaged as T-Mate by the respondent on 26-9-1986 and he worked continuously upto 21-2-1990. His services were wrongly terminated without any reason or notice. The petitioner has raised the dispute before the Hon'ble Administrative Tribunal from where the case was sent to the respondent for considering the same as representation and the same be decided. The representation has also been rejected by the respondent on 23-2-2000 illegally. The posts are still lying vacant, but his services were terminated illegally and thereafter the department engaged S/Shri Partap Singh, Mansa Ram, Het Ram and Bhagat Ram etc. who were junior to him. The respondent has also not followed the provisions of Standing Orders. The petitioner has completed 240 days continuous service and his services cannot be terminated without serving one month notice and retrenchment compensation. The respondent has also not followed the provisions of Section 25-H of the Industrial Disputes Act, 1947 (hereinafter referred to as the 'Act'). The termination of the petitioner is illegal and he prayed for the relief.

3. The petition has been strongly contested by the respondent taking preliminary objection that the petition is bad for non joinder of necessary parties and is barred by limitation. The petitioner is having no legal right and is also estopped from filing the same due to his own act, conduct and acquiescence. The petitioner is having no cause of action. The petitioner has not completed 240 days of service which fact was considered as per representation and the same was rejected vide order dated 23-2-2000.

4. On merits, the respondent has denied all the contents of the petition except that the petitioner was engaged as T-Mate on 26-12-1986 and not on 26-9-1986 as alleged. It has also been stated that the petitioner left the job at his own on 20-2-1990 and his services were not terminated on 21-2-1990 as alleged. They have further admitted that the petitioner filed the claim before the Administrative Tribunal who sent the petition to consider the same as representation. The respondent has considered the same and after going through the record, the representation has been rejected. The claim was not filed within time and no reason for filing the same at a belated stage has been given. The petitioner has only worked under the respondent from 26-12-1986 to 20-2-1990 with breaks and thereafter he left the job at his own. They have denied the remaining contents and prayed for the dismissal.

5. The petitioner has filed the rejoinder wherein he has controverted the stand taken in the reply and reiterated the stand taken in the petition and prayed for the relief.

6. On the basis of the pleadings of the parties, the following issues were framed by this Court on 17-5-2005 :

1. Whether the termination of the service of the petitioner by the respondent w.e.f. 21-2-1990 without complying the provisions of I.D. Act, 1947 is proper and justified ?

2. If issue No. 1 is proved, to what relief of service benefits, seniority, back wages and amount of compensation the workman is entitled to ?

3. Whether the petition is time barred as alleged ?

4. Whether the petition is bad for misjoinder and non joinder of the necessary parties ?

5. Whether the present claim petition is against the replying respondent on account of his act, conduct and acquiescence ?

7. Both the parties have lead their evidence. I have heard both the parties and have also gone through the record. For the reasons to be recorded hereinafter, my findings on the aforesaid issues are as under :

## FINDINGS

Issue No. 1	: Yes.
Issue No. 2	: Not entitled to any relief.
Issue No. 3	: Yes.
Issue No. 4	: Not pressed.
Issue No. 5	: Not pressed.
Relief	: Reference answered vide operative part of the award.

## REASONS FOR FINDINGS

Issue No. 1 & 2 :

8. Both these issues are interlinked and are taken up together for discussion and decision. Petitioner in order to prove the case tendered his affidavit in support of the evidence as Ex.PW-1/A. In cross-examination he has denied that he was engaged on 26-12-1986 and worked continuously upto 20-2-1990. He has also denied that he had not worked continuously. The petitioner has denied that he left the job at his own. He alleged that his services were terminated. He has denied that he never approached the Board after the direction of the Administrative Tribunal, but stated that he was never called. The witness further stated that the department used to discharge them from services when no work was available. They had not given anything in writing to the Board after the decision of the Administrative Tribunal. The witness also denied that no junior was engaged, but stated that S' Shri Bhagat Ram, Ved Parkash, Het Ram and Mansa Ram were engaged after their removal, but cannot prove his contention.

9. The respondent has also examined one Shri Surjit Singh, Assistant Engineer who has stated that the petitioner was engaged on 26-12-1986 and worked till 20-2-1990. The petitioner remained absent and he abandoned his job on 20-2-1990 as he never came back to join his duties thereafter. The petitioner challenged his termination before the Hon'ble Administrative Tribunal which has sent the same to the Board for consideration as representation. There is no violation of any provision of the 'act'. The mandays chart is Ex.RW-1/A. In cross-examination, the witness has admitted as per mandays chart the petitioner has completed 240 days. He has denied that the petitioner was engaged 26-9-1986 and he worked till 21-12-1990. He has admitted that Board has framed the Standing Orders for the daily paid workers. No show cause notice or enquiry was held for the absence and abandonment of job by the petitioner. The Executive Engineer is the appointing authority of the daily

wagers. He has admitted that no notice or retrenchment compensation has been paid to the petitioner. He has denied that S Shri Partap Singh, Mansa Ram, Het Ram and Bhagat Ram junior persons have been appointed.

10. From the perusal of the record, it has been proved on record that the petitioner was engaged by the respondent not on 23-2-1990 but on 1-9-1985. Similarly, it is also established that the petitioner has alleged that his services were terminated on 21-2-1990, whereas the case of the respondent is that the petitioner left the job on 20-2-1990. It is well settled that the petitioner has to prove that he worked continuously for 240 days in a preceding years and his services were illegally terminated, but in the case in hand the petitioner could not prove anything on record that he worked for more than 240 days. The respondent on the other hand however placed mandays chart which shows that the petitioner worked for 6 days in 1998, 361 days in 1987, 131 days in 1988 and 27 days in 1990, but there is nothing on record to prove that the services of the petitioner were terminated by the respondent without any notice or compensation. It has been proved by the respondent that the petitioner himself has left the job at his own on 20-12-1997 and thereafter he never turned back.

11. The petitioner could not prove on record that his junior S/Shri Partap Singh, Mansa Ram, Het Ram and Bhagat Ram were engaged after his removal. Hence, he is not entitled to claim any benefit under Section 25-H of the 'Act'. Similarly, the petitioner could not prove that his services were terminated by the respondent board. Learned AR for the petitioner has strongly argued that the respondent board has not followed the provisions of H.P. State Electricity Board Industrial Employment Standing Orders Section 14(i) as no notice as required under Section 14(2) has been served. Hence, the petitioner is entitled for his re-instatement. But the argument of the learned AR cannot be accepted as the application of the Standing Order has been exempted as per notification issued by the State of Himachal Pradesh dated 11-9-1985. The relevant portion of the notification is reproduced:

"In exercise of the powers conferred by him under Section 14 of the Industrial Employment (Standing Order) Act, 1946 (Act No. XX of 1946), the Governor of Himachal Pradesh is please to exempt the establishment of Himachal Pradesh State Electricity Board from all the provisions of the said Act."

12. The other argument of the learned AR is that the enforcement of Standing Orders cannot be exempted through notification, but again the argument of the learned AR cannot be accepted in view of Section 14 of the Industrial Employment (Standing Orders) Act, 1946. Relevant provision is reproduced:

14. *Power to exempt.*—The appropriate Government may by notification in the Official Gazette exempt, conditionally or unconditionally any industrial establishment or class of industrial establishments from all the any of the provisions of this Act."

13. In view of the above discussion as the petitioner has failed to prove that his services were terminated by the respondent without any notice and compensation or junior has been retained in the services. Accordingly, both the issues are decided against the petitioner.

*Issue No. 3:*

14. The onus to prove issue was on the respondent. It has been proved on record that the petitioner has left the job somewhere in December, 1990 and the present dispute has been agitated by him somewhere in 2002 and the reference received in

the Court in April, 2003 which means that the petitioner remained quite for over 12 years. It has further been pointed out that the petitioner has agitated the similar matter earlier before the Hon'ble Administrative Tribunal which case was sent to the respondent board for considering as representation of the petitioner, but the same has been rejected after due consideration vide order dated 23-2-2000. Further the petitioner has left the job without any permission and remained quite till 2002, which clearly proves that he abandoned the job himself as per law laid down by our own Hon'ble High Court in 2005(1) Shim. L.C. 79 titled Nagar Parishad Bilaspur Vs. Bone Ram & another. The petitioner for the first time agitated the matter in December, 1999 meaning thereby that he remained quite for about 12 years. Hence, the claim of the petitioner is barred by limitation as per law laid down by Hon'ble Supreme Court in (2001) 1 SCC 424, titled Indian Iron & Steel Com. Ltd. Vs. Prahlad Singh. Accordingly, the issue is decided against the petitioner.

*Issue No. 4 & 5:* Not pressed.

Relief:

15. In view of my findings on the aforesaid issues, there is no merit in the reference and is accordingly answered. Let a copy of this award be sent to the appropriate Government for publication in the official gazette.

Announced in the open court today this 3rd day of June, 2006.

Announced.

Seal.

L. N. SHARMA,  
Presiding Judge,  
H. P. Industrial Tribunal-cum-  
Labour Court, Shimla.

In the Court of Shri L. N. Sharma, Presiding Judge, H.P.  
Labour Court, Shimla

*Ref. No. 148/2001*

Shri Ishwar Dutt

*Versus*

Principal St. Bed's College Nauvabar Shimla.

5-6-2006.

*Present:* Shri B.R. Sharma, Advocate for petitioner.

Shri Alok Ranjan, Advocate for respondent.

Conciliation tried. In view of the settlement, the respondent has paid Rs. 50,000/- through cheque No. 473613 dated 25-5-2006 today in the Court which has been accepted by the petitioner. The statement of the petitioner has been recorded separately which is placed on the Court file.

In view of the settlement, the present reference stands dismissed as settled. Let a copy of this order be sent to the appropriate Government for publication in the official gazette.

Announced:

Seal.

L. N. SHARMA,  
Presiding Judge,  
H. P. Industrial Tribunal-cum-  
Labour Court, Shimla.

In the Court of Shri L. N. Sharma, Presiding Judge, H.P.  
Labour Court, Shimla

Reference No. 301/2003.  
Shri Sanjay Singh

*Versus*

M.D. M/s Engineering Innovation Pvt. Ltd. Parwanoo,  
Distt. Solan, H.P.

None for the petitioner.

Shri Sandeep Mahajan, Advocate for respondent.

The present reference has been received from the appropriate government to ascertain whether the service of the petitioner has been wrongly terminated by the respondent. The reference was filed on behalf of the petitioner by Sh. Hem Raj. The respondents have objected the reference on the ground that no authority letter on behalf of the petitioner has been filed. Today again, none appeared on behalf of the petitioner and no authority letter has been filed, which clearly proves that the petitioner has no claim. Further, the reference is lying pending since 2003 and for the last over 2 years, nothing has been done by the petitioner. Hence, the reference is dismissed. Let a copy of this order be sent to appropriate government for publication.

Announced.

Seal.

L. N. SHARMA,  
Presiding Judge,  
H. P. Industrial Tribunal-cum-  
Labour Court, Shimla.

In the Court of Shri L. N. Sharma, Presiding Judge, H.P. -  
Labour Court, Shimla

Ref. No. 303/2003

Shri Shyam Lal

*Versus*

MD M/s Engineering Innovation Pvt. Ltd. Parwanoo, Distt.  
Solan H.P.

1-6-2006.

Present : None for the petitioner.

Shri Sandeep Mahajan, Advocate for respondent.

The present reference has been received from the appropriate government to ascertain whether the service of the petitioner has been wrongly terminated by the respondent. The reference has been filed on behalf of the petitioner by Sh. Hem Raj. The respondents have objected the reference on the ground that no authority letter on behalf of the petitioner has been filed. Today again, none appeared on behalf of the petitioner and no authority letter has been filed, which clearly proves that the petitioner has no claim. Further, the reference is lying pending since 2003 and for the last over 2 years, nothing has been done by the petitioner. Hence, the reference is dismissed. Let a copy of this order be sent to appropriate government for publication.

the petitioner has no claim. Further, the reference is lying pending since 2003 and for the last over 2 years, nothing has been done by the petitioner. Hence, the reference is dismissed. Let a copy of this order be sent to appropriate government of publication.

Announced.

Seal.

L. N. SHARMA,  
Presiding Judge,  
H. P. Industrial Tribunal-cum- Labour Court,  
Shimla, H.P.

In the Court of Shri L. N. Sharma, Presiding Judge, H.P.  
Labour Court, Shimla

Ref. No. 315/2003

Shri Daljeet Singh

*Versus*

MD M/s Engineering Innovation Pvt. Ltd. Parwanoo, Distt.  
Solan, H.P.

1-6-2006.

Present : None for the petitioner.

Shri Sandeep Mahajan, Advocate for respondent.

The present reference has been received from the appropriate government to ascertain whether the service of the petitioner has been wrongly terminated by the respondent. The claim has been filed on behalf of the petitioner by Sh. Hem Raj, but the respondents have objected the reference on the ground that no authority letter on behalf of the petitioner has been filed by the AR. Today again, none appeared on behalf of the petitioner and no authority letter has been filed, which clearly proves that the petitioner has no claim. Further, the reference is lying pending since 2003 and for the last over 2 years, nothing has been done by the petitioner. Hence, the reference is dismissed. Let a copy of this order be sent to appropriate government of publication.

Announced.

Seal.

L. N. SHARMA,  
Presiding Judge,  
H. P. Industrial Tribunal-cum- Labour Court,  
Shimla.

In the Court of Shri L. N. Sharma, Presiding Judge, H.P.  
Labour Court, Shimla

Ref. No. 318/2003

Shri Ram Bachan

*Versus*

MD M/s Engineering Innovation Pvt. Ltd. Parwanoo,  
Distt. Solan, H.P.

1-6-2006.

Present : None for the petitioner.

Shri Sandeep Mahajan, Advocate for respondent.

The present reference has been received from the appropriate government to ascertain whether the service of the petitioner has been wrongly terminated by the respondent. The claim has been filed on behalf of the petitioner by Sh. Hem Raj, but the respondents have objected the reference on the ground that no authority letter on behalf of the petitioner has been filed by the AR. Today again, none appeared on behalf of the petitioner and no authority letter has been filed, which clearly proves that the petitioner has no claim. Further, the reference is lying pending since 2003 and for the last over 2 years, nothing has been done by the petitioner. Hence, the reference is dismissed. Let a copy of this order be sent to appropriate government of publication.

Announced.

Seal.

L. N. SHARMA,  
Presiding Judge.

H.P. Industrial Tribunal-cum- Labour Court,  
Shimla.

In the Court of Shri L. N. Sharma, Presiding Judge, H. P.  
Industrial Tribunal-cum-Labour Court, Shimla

Ref. No. 191/2002

Shri Nand Lal

Versus

Shri M.P. Sharma Prop. M's. Mitsan Engineers, Baddi  
Distt. Solan, H.P.

14-6-2006.

Present : None for the petitioner.

Shri O.P. Sharma, Advocate for respondent.

The present reference has been received for adjudication by this Court from the appropriate government and after receiving the claim of the parties, the issues were framed on 22-11-2004. The case was listed for petitioner evidence on 10-5-2005, 22-6-2005, 7-9-2005, 14-9-2005 and 26-12-2005. Longer date for 14-6-2005 was given on the request of the AR for the petitioner. But despite numerous opportunities, none is present. The onus to prove the relationship of employee and employer was on the petitioner. But as he failed to appear before this Court and produce the evidence, an adverse inference is required to be drawn against him. As the petitioner has failed to prove Issues No. 2 & 3, both these issues are decided against him.

In view of my aforesaid findings, the present reference is dismissed. Let a copy of this order be sent to the appropriate Government for publication in the official gazette.

Announced.

Seal.

L. N. SHARMA,  
Presiding Judge,  
H. P. Industrial Tribunal-cum-  
Labour Court, Shimla.

In the Court of Shri L. N. Sharma, Presiding Judge, H. P.  
Labour Court, Shimla

Ref. No. 39/2006

Shri Dil Bahadur Thapa

Versus

M's M.I.L. Micro-Tek Infosoft Parwanoo, Di  
H.P.

14-6-2006.

Present : None for the petitioner.

Shri A.K. Bakshi, Advocate for respondent.

Reference has been received from the appropriate government for adjudication by this Court. Notice of the reference has been given, but the petitioner has not been served. Shri A. K. Bakshi has stated that the entire dispute has already been settled with the petitioner as per Memorandum of Settlement dated 29-12-2004. The learned counsel has tendered copy of the settlement, which is Ex. Rx. The petitioner also received full and final payment as per receipt Ex.Ry.

In view of the settlement, the present reference becomes infructuous and is accordingly answered. Let a copy of this order be sent to the appropriate government for publication in the official gazette.

Announced.

Seal.

L. N. SHARMA,  
Presiding Judge,  
H.P. Industrial Tribunal-cum- Labour Court,  
Shimla.

In the Court of Shri L. N. Sharma, Presiding Judge, H.P.  
Labour Court, Shimla

Reference No. 50 of 2001

Instituted on : 30-4-2001

Decided on : 28-6-2006.

Shri Sita Ram S/o Shri Nand Lal, Village Nyatta, P.O.  
Patta Brewery, Distt. Solan

...Petitioner.

Versus

1. The Executive Engineer, H.P. Irrigation & Public Health  
Division, Saproon, Solan

2. The Assistant Engineer, Irrigation & Public Health  
Kandaghat, District Solan

... Respondents.

Reference under section 10 of the Industrial Disputes Act,  
1947.

For petitioner : Shri J.C. Bhardwaj, AR  
For respondent : Shri Sandeep Attri, Ld. ADA.

## AWARD

## FINDINGS

The following reference has been received for adjudication by this Court from the appropriate government:

1. Whether the termination of services of Shri Sita Ram by Executive Engineer, Irrigation and Public Health Division, Solan without any notice, chargesheet, enquiry and without compliance of Section 25(H) and 25 (N) of the Industrial Disputes Act, 1947 on completion of 240 days' continuous service is legal and justified. If not, what relief of service benefit including continuity of service and amount of compensation, the workman is entitled to?"

2. Whether the workman has abandoned the job at his own, as alleged. If so, its effect?"

2. The claim has been filed by the petitioner alleging that he was engaged by the respondent during August, 1998 at Dharampur and thereafter he was again re-employed in January, 1999 at Kandaghat. The petitioner has completed 240 days of service. No show cause notice or compensation has been paid to petitioner as required under law. Petitioner prayed for the relief.

3. The claim has been strongly contested by the respondents taking preliminary objection that the services of the petitioner has not been disengaged by the respondent, but he himself abandoned the job *w.e.f.* 1-9-2000. On merit, they have admitted that he was employed earlier at Dharampur in the month of August, 1998 and worked upto January, 1999 and thereafter he left the job and again re-employed at Kandaghat in the month of February, 1999. The petitioner stopped coming to his duties at his own as there is no question of payment of retrenchment compensation to the petitioner. They have denied that fictitious breaks were given to the petitioner, but alleged that the petitioner himself failed to continue with the work at his own and he is in the habit of leaving the work at different places. No new recruitment has been made in the department and no fresh work is available with the department. They denied the remaining contents and prayed for the dismissal of the petition.

4. No rejoinder has been filed. On the basis of the pleadings of the parties, this court framed the following issues on 19-7-2002:

1. Whether the termination of services of the petitioner by the respondents on completion of 240 days continuous service without any notice, charge sheet, enquiry and without compliance of section 25-H and 25-N of the Industrial Disputes Act, 1947 and is thus illegal and unjustified? OPP.

2. In case Issue No. 1 is proved in affirmative, whether the petitioner is entitled for compensation and other consequential benefits including re-instatement? OPP.

3. Whether the workman had abandoned the job himself on his own. If so, its effect? OPR.

4. Relief.

5. In order to prove the case, both the parties have lead their evidence. I have heard the respective parties and gone through the record. For the reasons to be recorded hereinafter, my findings on the aforesaid issues are as under:

Issue No. 1 : Yes.  
Issue No. 2 : Yes.  
Issue No. 3 : No.  
Relief : Reference answered *vide* operative part of the award.

## REASONS FOR FINDINGS

Issue No. 1 & 2 :

6. Both these issues are interlinked and interconnected and are taken up together for discussion and decision. The petitioner has very specifically stated that he completed 240 days continuous service in preceding years and his services were illegally terminated by the respondent. In order to prove the case, the petitioner stepped into the witness box and he supported the entire contents of the petition. The petitioner served the notice to the respondent immediately when his services were terminated *vide* copy of letter Ex.P-1. In cross-examination, the petitioner has admitted that initially he was engaged at Dharampur from 4-8-1998 to January, 1999, but denied that he left the job at his own. He has admitted that he joined his duty at Kandaghat in February, 1999 where he worked till August, 2000. The witness has stated that he was transferred from Dharampur to Kandaghat. He had not disclosed that he was earlier working at Dharampur. He has denied that he left the job at his own after 31-8-2000 and a false case has been filed.

7. The respondent also examined one Shri Mehar Singh, Additional Assistant Engineer, who has also stated that the petitioner was earlier appointed at Dharampur and thereafter he was engaged at Kandaghat. The petitioner has not disclosed that he was earlier working at Dharampur. The petitioner did not report for duty after August, 2000 and he abandoned the job without any intimation to the respondent. In cross-examination, the witness has admitted the mandays chart annexed with the reply. He had admitted that demand notice dated 11-9-2000 was served by the petitioner.

8. From the perusal of the oral as well as documentary evidence, there is no denial that the petitioner was earlier engaged at Dharampur sub-division and thereafter he served at Kandaghat from February, 1999 till August, 2000. The only controversy in the case is that the respondents have alleged that the petitioner abandoned his job at his own, hence no question of payment of retrenchment compensation or notice arise in his case. They have also denied that the petitioner has not worked for more than 240 days as required under law. From the perusal of the mandays chart appended with the reply, it has been proved that if the total working of preceding year is to be counted from 1-9-1999 to 31-8-2000, the total working days comes to 314 days, which means that the petitioner has completed the work for more than 240 days. Hence, his services cannot be dispensed with without following the mandatory provision of Section 25-F of the 'act'. The other arguments of the learned ADA is that the petitioner himself has abandoned his job, hence, he is not entitled for any notice, but this argument of the learned ADA cannot be accepted in view of the law laid down by their Lordships of Hon'ble Supreme Court in case 2001 1 L.R. 54 titled M's Scooters India Ltd. Vs. M. Mohammad Yaqub. Para-12 is reproduced:

"12. The question which then arises is whether the principles of natural justice were followed in this case. As has been set out herein above Mr. Swarup had submitted that the workman had been given an opportunity to join the duty and that he did not join duty even though

Announced in the Open Court today this 28<sup>th</sup> June, 2006.

Seal.

L. N. SHARMA,  
Presiding Judge,  
H.P. Industrial Tribunal-cum-  
Labour Court, Shimla.

In the Court of Shri L. N. Sharma, Presiding Judge, ... P.  
Labour Court, Shimla

Ref. No. 29 of 2000

Shri Bala Ram Pradhan Workers

Versus

M's Khanna Watches Ltd. Parwanoo, Distt. Solan H.P.

13-6-2006.

Present: S. Shri M.L. Sharma, Gopal Sharma and Arun ...  
Advocates for petitioner.  
Shri Satyan Vaidya, Advocate for respondent.

The following reference has been received for adjudication from the appropriate government :

1. "Whether the closure of the undertaking is illegal for non-compliance of the provisions of sub-section (1) of Section 25(O) or Section 25 FFA. If the closure is illegal and void *ab initio*, to what wages together with interest thereon, if any, are the workmen entitled to for the period of illegal closure of the undertaking".
2. "If the impugned closure is found legal and proper, to what retrenchment compensation together with interest, if any, are the workmen entitled to?"
3. "Whether any and, if yes what, interim relief should be granted to the workmen during the pendency of the proceedings?"

Conciliation tried. Both the parties have settled the entire dispute as per settlement Ex. PA placed on court file. It has been stated by Shri Bala Ram, President Khanna Watches Karamchari Sangh that the entire dispute stand settled and the respondent management has agreed to pay the dues of the worker as per Annexure-A appended with the settlement Ex. P.A. The entire payment shall be made by the respondent management to the worker within 3 months from today i.e. on or before 13-9-2006. The terms and conditions of the settlement also accepted by Shri H.D. Sharma, Executive Director as per statement recorded.

In view of the settlement Ex. PA, the present reference is answered in view of the terms and conditions of the settlement. Let a copy of this award be sent to the appropriate government for publication in the official gazette.

Announced.

Seal.

L. N. SHARMA,  
Presiding Judge,  
H.P. Industrial Tribunal-cum-  
Labour Court, Shimla.

repeatedly called upon to do so. It is contended that principles of natural justice have been complied within this case. However, the material on record indicates otherwise. The Labour Court in its Award sets out and accepts the respondent's case that he had not been allowed to join duty. The respondent has given evidence that even though he personally met Chief Personnel Officer he was still not allowed to enter the premises. The evidence is that in spite of slip Ext. W. 2, he was prevented from joining duty when he attempted to join duty. The slip Ext. W. 2 had been signed by the Security Inspector of the appellant. This showed that the respondent had reported for work. As against this evidence the appellant has not led any evidence to show that the workman had not reported for duty. Even though the slip Ext. W. 2 had been proved by the workman, the Security Inspector, one Mr. Shukla, was not examined by the appellant. Further the evidence of the Senior Time Keeper of the appellant established that the workman had worked for more than 240 days within a period of 12 calendar months immediately preceding the date of termination of service. This was proved by a joint inspection report, which was marked as Ext. 45/A. It was on the basis of this material and this evidence that the Labour Court came to the conclusion that there was retrenchment without following the provisions of law. As the workman was not allowed to join duty, Standing Order 9.3, 12 could not have been used for terminating his services".

9. Further it has been argued by the AR for the petitioner that the compliance of Section 25-F (b) of the 'act' is mandatory and any contravention would render the retrenchment *void ab initio*. He placed reliance on 2004 1 LR 969 titled Krishna Bhadur Vs. M/s Purna Theatre & Ors.

10. In view of the above discussion and law laid down by their lordships of Hon'ble Supreme Court, the petitioner has proved that he worked for more than 240 days in a preceding year and his services were illegally terminated by the respondent. The respondent on the other hand failed to prove that the petitioner has abandoned the job or he has not completed 240 days service in the preceding year. Accordingly, both these issues are decided in favour of the petitioner and against the respondents.

Issue No: 3

11. The onus to prove the issue was on the respondent. but the respondent failed to produce any convincing evidence that the petitioner has abandoned the job himself. Hence, the issue is decided in favour of the respondent.

RELIEF

12. In view of the aforesaid findings on Issues No. 1 & 2, the present reference is allowed and the petitioner is ordered to be re-instated in service with 20 % back wages from 1-9-2000 till his re-instatement. Let a copy of this award be sent to appropriate government for publication in the official gazette.

नियन्त्रक, मुद्रण तथा लेखन सामग्री हिमाचल प्रदेश, शिमला-5 द्वारा मुद्रित तथा प्रकाशित